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EXPLANATION

OF THE

REPORTS OF COMMITTEES

AND

MISCELLANEOUS DOCUMENTS

OF THE

SENATE OF THE UNITED STATES

FOR THE

FIFTY-SEVENTH CONGRESS, 1ST AND 2ND SESSIONS

1899-1900

IN ONE VOLUME

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TO THE

REPORTS OF COMMITTEES

AND

MISCELLANEOUS DOCUMENTS

OF THE

SENATE OF THE UNITED STATES

FOR THE

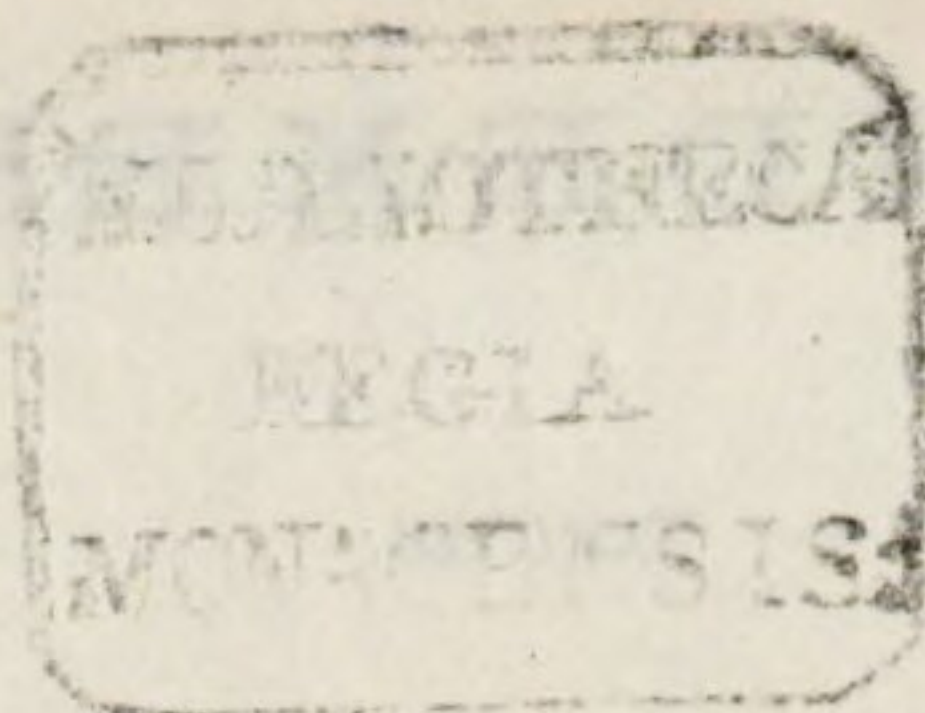
FIRST SESSION FORTIETH CONGRESS, AND FOR THE SPECIAL SESSION,

1867.

IN ONE VOLUME.

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Miscellaneous Documents.....No. 1 to No. 43, inclusive.
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WASHINGTON:
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MISCELLANEOUS DOCUMENTS

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1887

IN ONE VOLUME

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IN THE SENATE OF THE UNITED STATES

March 29, 1854.

Mr. SUMNER, from the Committee on Finance.

REPORT

On the petition of the

Commissioners of the Public Lands, in relation to the
lands for the adjustment of the claims of the
settlers on the public lands, as provided by the act of Congress
approved March 3, 1850.

Which were read, and the report thereon was ordered to be
printed, and the same to be laid on the table.

The Commission on Public Lands, in relation to the
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approved March 3, 1850, and the report thereon, was
ordered to be printed, and the same to be laid on the table.

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THE HISTORY OF THE UNITED STATES

MADE IN THE UNITED STATES

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The history of the United States is a story of growth and development. It is a story of the people who have lived on this continent, and of the ideas and values that have shaped our nation. From the first settlers to the present day, the United States has been a land of opportunity and innovation.

That they may know the history of the United States, and the people who have lived on this continent, is the purpose of this book. It is a story of the people who have lived on this continent, and of the ideas and values that have shaped our nation.

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Of all the things that have shaped the history of the United States, perhaps the most important is the idea of freedom. It is the idea that every person has the right to live as they see fit, without the interference of the government or other people. This idea has been the foundation of our nation, and it is the reason why we have become one of the most powerful and free countries in the world.

IN THE SENATE OF THE UNITED STATES.

MARCH 12, 1867.—Ordered to be printed.

Mr. SUMNER made the following

REPORT.

[To accompany bill S. No. 47.]

The Committee on Foreign Relations, to whom was referred Senate bill 47, to provide for the adjustment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801, beg leave to report :

That they now adopt the report of the committee on this bill made to the Senate April 4, 1864, as follows :

The Committee on Foreign Relations, to whom were referred the petition of sundry citizens of New York, presented at the present session, and also numerous petitions and resolutions of State legislatures, taken from the files of the Senate, asking just compensation for "individual" claims on France, appropriated by the United States to obtain a release from important "national" obligations, have had the same under consideration, and beg leave to report :

The welfare of the republic requires that there should be an end of "suits," lest, while men are mortal, these should be immortal. Such is the substance of a venerable maxim of the law, which is illustrated by the case now before the committee. The present claims have already outlived all the original sufferers, and at least two generations of those who have so ably enforced them in the halls of Congress. Against their unwonted vitality death has not been able to prevail.

CHARACTER OF THESE CLAIMS.

Of all claims in our history, these are most associated with great events and great sacrifices. First in time, they are also first in character, for they spring from the very cradle of the republic and the trials of its infancy. To comprehend them, you must know, first, how independence was won; and, secondly, how, at a later day, peace was assured. Other claims have been merely personal or litigious; these are historic. Here were "individual" losses, felt at the time most keenly, and constituting an unanswerable claim upon France, which, by the action of our government at a critical moment, were employed, like a credit or cash in hand, to purchase a release from outstanding "national" obligations, so that the whole country became, at once, the trustee of these sufferers, bound, of course, to gratitude for the means thus contributed, but bound also to indemnify them against all "individual" losses. And yet these sufferers, thus unique in situation, have been compelled to see all other claims for foreign spoliations satisfied, while they alone have been turned away. Even as early

as 1794 our plundered citizens obtained compensation, to the amount of more than ten million dollars, on account of British spoliations. Similar indemnities have been obtained since from Spain, Naples, Denmark, Mexico, and the South American states, while, by the famous convention of 1831, France contributed five million dollars to the satisfaction of spoliations under the continental system of Napoleon. Spain stipulated to pay for every ship or cargo taken within Spanish waters even by the French, so that the French spoliations on our commerce within Spanish waters have been paid for, but French spoliations on our commerce elsewhere before 1800 are still unredeemed. Such has been the fortune of claimants the most meritorious of all.

In all other cases there has been simply a claim for foreign spoliations, but without any superadded obligation on the part of our government. Here is a claim for foreign spoliations, the precise counterpart of all other claims, but with a superadded obligation on the part of our government, in the nature of a debt, constituting an *assumpsit*, or an implied promise to pay; so that these sufferers are not merely *claimants* on account of French spoliations, but they are also *creditors* on account of a plain assumption by the government of the undoubted liability of France. But the appeal of these *claimant-creditors* is enhanced beyond the pecuniary interests involved, when we consider the nature of this assumption, and especially that, in this way, our country obtained a final release from embarrassing stipulations with France contracted in the war for national independence. Regarding it, therefore, as a *debt*, it constitutes a part of that sacred debt incurred for national independence—the only part which remains unpaid.

PRELIMINARY OBJECTIONS.

But before proceeding to consider the nature of the existing obligations on the part of the United States, the committee ask attention to three objections which they encounter on the threshold: the first, founded on the alleged antiquity of the original claims; and the second, on the alleged character of the actual possessors; and the third, on the present condition of the country.

CLAIMS ANCIENT, BUT NOT STALE.

(1.) It is said that the claims are ancient and stale, and, therefore, should not be entertained. It is true that the claims are the most ancient of any now pending, and that they date from the very origin of our existence as a nation. But, in this respect, they do not differ from a revolutionary pension or a revolutionary claim. Down to this day there is a standing committee of the Senate entitled “Committee on Revolutionary Claims;” but if a claim which may be traced to the revolution must be rejected for staleness, there can be little use for this committee. If these claims, after uninterrupted sleep throughout the long intervening period, were now, for the first time, revived, they might be obnoxious to this imputation. But as, from the beginning of the century, they have occupied the attention of Congress, and have been sustained by speeches, reports, and votes, it is impossible to say that they have been allowed to sleep.

The whole case was stated with admirable succinctness, as long ago as 1807, by Mr. Marion, of South Carolina, in the report of a committee of the House of Representatives, in the following words:

“From a mature consideration of the subject, and from the best judgment your committee have been able to form on the case, *they are of opinion that this government*, by expunging the second article of our convention with France, of the 30th of September, 1800, *became bound to indemnify the memorialists for their just claims* which they would otherwise rightfully have had on the government of France for the spoliations committed on their commerce by the illegal captures made by the cruisers and other armed vessels of that power, in

violation of the law of nations and in breach of treaties then existing between the two nations; which claims they were, by the rejection of the said article of the convention, forever barred from presenting to the government of France for compensation."

Claims thus authoritatively stated at that early day could not be overcome by any sleep.

It is true that these claims were pressed with less constancy and determination at the beginning of the century than at a later day. But there are two sufficient reasons for the change. First, the evidence on which they were founded was less generally known at the beginning than afterwards. It was only by the communication to Congress in 1826, under the administration of John Quincy Adams, of the ample materials accumulated in the archives of the Department of State, that the true strength of the case was fully revealed. Here, in one full volume, was the documentary history of the whole double transaction, showing, at once, the original obligation of France, and the substituted obligation of the United States, re-enforced by the associations of our own revolutionary history. But a more sufficient reason for this change may be found in the fact, that for some time in the early part of the century our country was still laboring under the pressure of the revolutionary debt. As this pressure was gradually removed, and the national resources became more apparent, these claims were naturally urged with more confidence, until, on the final extinction of that debt, they occupied the attention of the best minds of both houses of Congress.

No single question in our history has been the subject of such a succession of able reports. Whether counted or weighed, these reports are equally exceptional. They are no less than forty-one in number, twenty-three in the Senate and eighteen in the House. Among the eminent characters whose names they bear are Edward Livingston, John Holmes, Edward Everett, Daniel Webster, Caleb Cushing, Charles J. Ingersoll, John M. Clayton, and Rufus Choate. Out of the whole number only three have been adverse, one in the Senate and two in the House. But the three adverse reports were evasive only, being made prior to the communication to Congress of the decisive evidence on the subject. The thirty-eight reports made since that communication have been all in favor of the claims.—(*See Appendix A.*)

Resolutions of thirteen States, being the original number which declared independence, have been presented to Congress between the years 1832 and 1858 in favor of these claims. Some States, not content with one series, have repeated their resolutions, and accompanied them with elaborate arguments. They all tend to the point that it is the bounden duty of Congress, without further delay, to make provision for the payment of these claims; and senators and representatives are earnestly requested to use their best exertions to secure the passage of a law of Congress to carry this obligation into effect.

Memorials and petitions to Congress have, from the beginning, testified to the sleeplessness of these claims. On the 5th of February, 1802, only forty-six days after the promulgation of the convention of 1800, they began to be presented, and they have continued to be presented from that early day down to this very session of Congress, making, in all, three thousand two hundred and ninety-three. Of these, fourteen hundred and eighty-nine were in the Senate; eighteen hundred and four in the House. They are chiefly from the original sufferers, their executors, administrators, assigns, widows and heirs, residing in the large seaports from which the despoiled vessels originally sailed; but there are some from all parts of the country where the representatives of the original sufferers have been carried in the vicissitudes of life; all of which may be seen in an annexed list of these petitioners.—(*See Appendix B.*)

Two several times—once under President Polk, and again under President Pierce—both houses of Congress have concurred in passing an act for the relief of these claimants; but this tardy justice was arrested by presidential veto.

In the face of this constant succession of reports, resolutions of State legislatures, and petitions, constituting not only a "continual claim," but a continual recognition of the claim—the whole crowned by two several acts of Congress—it is impossible to attribute any negligence to the claimants, or, indeed, any indulgence of inordinate confidence. They have had reason to believe that they should be successful. Under such circumstances, the lapse of time, which is sometimes urged against them, becomes an argument in their favor; for it adds constantly recurring testimony to their merits, besides a new title from the disappointment to which they have been doomed. Claims beginning thus early, and thus sustained, may be ancient, but they cannot be stale.

ACTUAL POSSESSORS OF THE CLAIMS ARE NOT SPECULATORS.

(2.) There is a trivial remark, which is rather a slur than an objection, which may justify a moment's attention. It is sometimes said that these claims are no longer the property of the original sufferers or their representatives, but that they have passed, like a fancy stock, into the hands of speculators. This remark, if it had foundation in fact, has not much in equity. It would be hardly creditable for a government to take advantage of its own procrastination, and refuse just compensation because the original sufferer had been compelled by unwelcome necessity to discount his claims.

From the nature of the case, such claims, being unliquidated, do not readily pass from hand to hand, but remain in the original custody, as has become apparent in ample experience. Precisely the same reflection was cast upon the claims against Spain, Denmark, and Naples, and indeed it has been cast upon long outstanding claims generally, until it is now a common-place of sarcasm. But the records of the successive commissions which have liquidated foreign claims afford its best refutation. These commissions required in every case proof of property; but the evidence disclosed that the original sufferers or their legal representatives, including heirs, executors, assignees of bankrupts, persons having a lien for advances, or underwriters, possessing in law and equity the same right as the original sufferers, were the actual possessors of the larger part of these interests. There is no reason to suppose that it would be otherwise in the case of the claims for French spoliations. On the contrary, it is believed that they remain substantially where they were when the losses were incurred.

The great speculator has been death; for there are few of these claims that have not passed through his hands. But such a transfer cannot draw the title into doubt, especially when we consider the character of the petitioners, whose names are spread on the journals of Congress. It is well known that, in many families, these claims still exist as heir-looms, transmitted by ancestral care in the full confidence that, sooner or later, they would be recognized by the government.

PRESENT CONDITION OF THE COUNTRY NO REASON AGAINST PAYMENT OF JUST DEBTS.

(3.) But it is sometimes suggested that, even assuming the meritorious character of these claims, yet, in the present condition of the country, they ought to be postponed. Looking at the practical consequences of this suggestion, it will be found that, though plausible in *form*, it is fatal in *substance*. Any postponement must inevitably throw these claims into direct competition with those which are now accumulating on account of losses during the rebellion, having in their favor the gushing sympathies of our time. It is not unjust to human nature to say, that the distant in time, like the distant in space, are too often out of mind. If the earlier claims are just, they ought not to be exposed to the hazards of any such competition, when feeling will be stronger than reason. Indeed, from the

probability of future claims, whose shadows already begin to appear, the argument is strengthened for the immediate satisfaction of those which now exist, especially when we consider their character and origin.

The resources of the people are now tasked to put down the rebellion which slavery has aroused. Let nothing be stinted. But there is another duty which must not be forgotten. *The just debts of the republic must be paid* to the last dollar. Here also nothing must be stinted; and the glory of the one will be kindred to the glory of the other. The republic will have new title to love at home and to honor abroad when, with one hand, it overcomes the rebellion now menacing its existence, and with the other does justice to ancient petitioners, long neglected, constituting the only remaining creditors left to us on account of the war of independence.

STATEMENT OF THE QUESTION.

Therefore, putting aside all preliminary objections to these claims, whether on account of their alleged antiquity, the character of the actual possessors, or the present condition of the country, the committee insist that the existing obligations of the United States must be determined according to principles of justice and the facts of the case. The hearing is now, as if there had been no lapse of time since the obligations accrued, and as if no war now existed to task the country.

Is the money justly due? To answer this important question the subject must be considered in detail, under several heads.

First. The claims of citizens of the United States against France, founded on spoliations of our commerce, as seen in their origin and history.

Secondly. The counter-claims of France, founded on treaty stipulations and services rendered in the war of independence, as seen also in their origin and history.

Thirdly. The convention of 1800 and the reciprocal release of the two governments, by which the "individual" claims of the petitioners were treated as a set-off to the "national" claims of France.

Fourthly. The assumption by our government of the obligations of France, so that the United States were substituted for France, and became liable to these petitioners as France had been liable.

After considering these heads in their order, it will be proper to review the objections which have been alleged against the liability of the United States: (1,) from the semi-hostile relations between France and the United States anterior to the convention; (2,) from payments under the Louisiana treaty; (3,) from payments under the convention with France of 1831; (4,) from the act of Congress, annulling the early treaties with France; (5,) from the early efforts of our government to obtain from France the satisfaction of these claims; and (6,) from the desperate character attributed to these claims at the time of their abandonment.

The question of "just compensation" will present itself last: (1,) in the advantages secured to the United States by the sacrifice of these claims; (2,) in the value of the losses which the claimants suffered; and (3,) in the recommendation of the committee.

The subject is of such importance from the magnitude of interests involved, and from its historic character, that the minuteness of this inquiry will not be regarded as superfluous.

THE CLAIMS OF AMERICAN CITIZENS IN THEIR ORIGIN AND HISTORY.

I. The history of French spoliations on our commerce is a gloomy chapter, where a friendly power, assuming the name of republic, shows itself fitful, passionate, and unjust. This conduct seems more remarkable when it is considered that only a short time before, France, while yet a kingdom, had contributed treas-

ure and blood to sustain our national independence. And yet an explanation may be found in the extraordinary temper of the times. By a generous uprising of the people the kingdom was overthrown, and then, as the alarmed royalties of Europe intervened, the head of the monarch was flung to them as a gage of battle. The gage had been accepted in advance, and all those royalties, by successive treaties, entered into coalition against France. The fleets of England came tardily into the great contest, but their presence gave to it a new character, and enveloped the ocean as well as the land in its flames. Naturally, the growing commerce of the United States suffered from both sides, but especially from France, driven to frenzy by the British attempt, in the exercise of belligerent rights, to starve a whole nation.

The feelings of France were still further aroused against the United States, when, instead of friendship and alliance, she was encountered by the proclamation of neutrality launched by Washington, on the 22d April, 1793, where he undertook, in behalf of the United States, "to adopt and pursue a conduct friendly and impartial towards the belligerent powers." Here, according to France, was a failure not only of that proper sympathy which was due from us, but even of solemn duties pledged by those early treaties which helped to secure our national independence. This failure, which became afterwards the occasion of *counter-claims* on the United States, contributed at once to the exasperations of the time.

An early apology, addressed to the American minister at Paris by the French government, attests the spoliations which had begun, and discloses also their indefensible character, unless the common language spoken by the English as well as ourselves was a sufficient excuse. Here are the exact words :

"We hope that the government of the United States will attribute to their true cause the abuses of which you complain, as well as other violations of which our cruisers may render themselves guilty in the course of the present war. *It must perceive how difficult it is to contain within just limits the indignation of our marines, and, in general, of all the French patriots, against a people who speak the same language and having the same habits as the free Americans.* The difficulty of distinguishing our allies from our enemies has often been the cause of offences committed on board your vessels; all that the administration could do is to order indemnification to those who have suffered, and to punish the guilty"—(*French Spoliations, Ex. Doc., 1826, p. 70.*)

Thus heedlessly did these spoliations begin. But the national convention associated itself by formal act with this injustice, when, on the 9th May, 1793, only seventeen days after the proclamation of neutrality, but before it had arrived in France, a retaliatory decree was issued in response to the British attempt at starvation—arresting all neutral vessels laden with provisions, and destined to an enemy's port. It was not disguised even in the decree itself that it was a violation of the rights of neutrals; but the necessity of the case was pleaded, and *indemnity was promised to the neutrals who might suffer by its operation.* But, unwilling to await the dilatory performance of this promise, our minister at Paris remonstrated at once against the application of the decree to vessels of the United States. Amid vacillations of the national assembly, which at one time seemed to relent under the urgency of our minister, the decree continued to be enforced against the property of American citizens. Here were spoliations, confessed at the time to be in violation of neutral rights, which still rise in judgment.

As the intelligence of these spoliations reached the United States our whole commerce was fluttered. Merchants hesitated to expose their ships and cargoes to such cruel hazards. It was necessary that something should be done in order to enlist again their activity. At this stage the national government *came forward voluntarily* with an assurance of protection and redress. This was in a circular letter, dated 27th August, 1793, when Mr. Jefferson, the Secretary of State, in the name of the President, used the following language: "I have

it in charge from the President to assure the merchants of the United States concerned in foreign commerce or navigation that our attention will be paid to any injuries they may suffer on the high seas or in foreign countries contrary to the law of nations and existing treaties, and that, on their forwarding hither well-authenticated evidence of the same, *proper proceedings will be adopted for their relief*."—(*French Spoliations, Ex. Doc., 1826, p. 217.*) This circular was adopted by President Washington, in his message of December 5, 1793, where he speaks as follows: "The *vexations and spoliations* understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent powers appeared to require attention. The proofs of these, however, not having been brought forward, the description of citizens supposed to have suffered were notified that, on furnishing them to the Executive, *due measures would be taken to obtain redress of the past*, and more effectual provisions against the future."—(*French Spoliations, Ex. Doc., 1826, p. 253.*) Here, then, was a double promise from the national government, under the influence of which our merchants continued their commerce, and ventured once more upon the ocean. Their government had tempted them, and, on the occurrence of "injuries on the high seas," these good citizens, according to instructions, made haste to forward to the Department of State the "well-authenticated evidence of the same." But their grandchildren and great-grandchildren are waiting even now the promised redress.

Thus, at the very beginning of these spoliations, they seem to have been recognized in their true character by both governments. The national convention, even in its arbitrary edict, confessed them. The administration of Washington, in its solemn assurance of protection, confessed them also. The offspring of wrongful violence in the heat of war, they were regarded on each side as indefensible. Ministers, in this respect, reflected the sentiments of the two governments. Fauchet, the French minister at Philadelphia, in a communication to the Secretary of State, under date of March 27, 1794, expressed himself in this manner: "If any of your merchants have suffered any injury by the conduct of our privateers, (a thing which would be contrary to the intention and express order of the republic,) they may, with confidence, address themselves to the French government, which will never refuse justice to those whose claims are legal."—(*French Spoliations, Ex. Doc., 1826, p. 263.*) Mr. Morris, our minister at Paris, under date of March 6, 1794, thus gave vent to his feelings: "These captures create great confusion, *must produce much damage to mercantile men*, and are a source of endless and well-founded complaint. Every post brings me piles of letters about it from all quarters, and I see no remedy. In the mean time, if I would give way to the clamors of the injured parties, I ought to make demands very like a declaration of war."—(*Ibid., p. 77.*) But M. Buchot, the French commissioner of foreign relations, addressed to Mr. Morris the following soothing words, under date of July 5, 1794: "The sentiments of the convention and of the government towards your fellow-citizens are too well known to you to leave a doubt of *their disposition to make good the losses which circumstances inseparable from a great revolution may have caused some American navigators to experience*."—(*Ibid., p. 77.*) Such at that day was the testimony of ministers on both sides.

Meanwhile, Genet, the French minister at Philadelphia, had been dismissed by President Washington on account of a presumptuous interference in our affairs, especially hostile to the proclamation of neutrality; and John Jay had repaired to London to negotiate the treaty of 1794, which goes under his name. Both these events added to the exasperation of France. But Mr. Monroe, who had taken the place of Mr. Morris at Paris, was full of sympathy for the new republic, even when he frankly discharged his unpleasant duties. In a communication to the committee of public safety, under date of October 18, 1794, he exposed a "frightful picture of difficulties and losses, equally injurious to

both countries, which, if suffered to continue, must unavoidably interrupt for the time the commercial intercourse between them.”—(*State Papers, Foreign Affairs*, vol. 1, p. 683.) But, notwithstanding this strong language, his influence was thought to have prevailed so far that President Washington ventured to announce, in a confidential message of February 20, 1795, good news for our plundered merchants. “It affords me,” he said, “the highest pleasure to inform Congress that perfect harmony reigns between the two republics, and *that these claims are in a train of being discussed with candor, and amicably adjusted.*”—(*Wait's American State Papers*, vol. 3, p. 402.) But this perfect harmony was short-lived, and the hopes which flowed from it were nipped in the bud.

The knowledge of Mr. Jay's negotiations with England had already produced uneasiness in France; but, when the treaty was finally divulged, on its ratification, in October, 1795, there was an outburst against us. The treaty was pronounced to be in violation of existing engagements with France, and our whole policy was openly branded by the president of the Directory, in his reply to Mr. Monroe, as a “condescension of the American government to the wishes of its ancient tyrant.” The Directory refused to receive Charles Cotesworth Pinckney, who had been sent by our government in the place of James Monroe. Meanwhile, by a succession of cruel edicts, it unleashed all its cruisers to despoil our commerce, and to cry havoc wherever they sailed. On the 2d July it was declared that “the French republic will treat neutral vessels, either as to confiscation, searches, or capture, *in the same manner as they shall suffer the English to treat them.*” The indefinite terms of this edict were justly denounced by our government as giving scope for arbitrary construction, and consequently for unlimited oppression and vexation.—(*French Spoliations, Ex. Doc.*, 1826, p. 434.) And these results were soon manifest. With contagious injustice, the French agents at St. Domingo reported to the government at home, “that, having found no resource in finance, and knowing the unfriendly disposition of the Americans, and to avoid perishing in distress, they had armed for cruising, and that, already, eighty-seven cruisers were at sea; and that, for three months preceding, the administration had subsisted and individuals been enriched out of those prizes.”—(*Ibid.*, p. 435.) So extensively did this brutality prevail, that it was announced that “American vessels no longer entered the French ports *unless carried in by force.*”—(*Ibid.*)

But this spirit of retaliation broke forth in still another edict of the Directory, which became at once a universal scourge to American commerce. This edict, which bears date March 2, 1797, after enlarging the list of contraband, and ordaining other measures of rigor, proceeds to declare all American vessels lawful prize, if found without a *rôle d'équipage* or *circumstantial list* of the crew; all of which was in violation of existing treaties, and also of the usages of the United States, which notoriously did not require, among a ship's papers, any such list. No edict was so comprehensive in its sweep; for, as all our vessels were unprovided with this safeguard, they were all defenceless. Spoliations without number ensued, which were so absolutely lawless and unjust that John Marshall did not hesitate to record of them in his journal, under date of December 17, 1797, that “the claims for property captured and condemned for want of a *rôle d'équipage* constituted *as complete a right as any individual ever possessed.*”—(*French Spoliations, Ex. Doc.*, 1826, p. 471.) But this right, thus complete, according to the judgment of this great authority, is a large part of the claims which are still pending before Congress.

As if to complete this strange, eventful history, another edict, at once inhospitable and unjust, was launched by the Directory, January 17, 1798, which prohibited every vessel that had entered an English port from being admitted into any port of the French republic; and, still further, handed over to condemnation “every vessel laden in whole or part with merchandise coming out of England or its possessions.”—(*French Spoliations, Ex. Doc.*, 1826, p. 483.)

This edict was promptly denounced by the American plenipotentiaries newly arrived at Paris. In earnest, vigorous tones they said that it invaded at the same time the interests and the independence of neutral powers; *that it took from them the profits of an honest and lawful industry*, as well as the inestimable privilege of conducting their own affairs as their own judgment might direct, and that acquiescence in it would establish a precedent for national degradation that would authorize any measures which power might be disposed to practice. Thus did the plenipotentiaries depict the spirit in which the French spoliations had their origin, and the humiliating consequences of submission to the outrage. But the personal sufferers are, down to this day, without redress.

Perplexed and indignant at these proceedings, the United States had meanwhile constituted a special mission, composed of three eminent citizens, Mr. Pinckney, Mr. Marshall, and Mr. Gerry, who were charged especially to secure indemnity on account of these spoliations. In his elaborate letter of instructions, dated July 15, 1797, the Secretary of State, Mr. Pickering, lays down the following rule of conduct: "In respect to the depredations on our commerce, the principal object will be to agree on an equitable mode of examining and deciding the claims of our citizens, and the manner and periods of making compensation. The proposed mode of adjusting the claims, by commissioners appointed on each side, is so perfectly fair, we cannot imagine that it will be refused." Although this reparation was not made an "indispensable condition of the proposed treaty," yet the plenipotentiaries were enjoined "not to renounce these claims of our citizens, nor to stipulate that they be assumed by the United States government." (*French Spoliations, Ex. Doc.*, 1826, pp. 454, 455.) Thus fully were all these claims recognized at that time by our government, and most carefully placed under the protection of our triumvirate of plenipotentiaries.

But the plenipotentiaries found the French republic in no mood of justice. Bonaparte was then triumphant at the head of the army of Italy, and Talleyrand was exhibiting his remarkable powers at the head of the foreign relations of France. Victory had given confidence, and the exulting republic was standing tip-toe, more disposed to strike than to negotiate, unless it could dictate, and implacable always towards England and all who were supposed to sympathize with this power. After exactions and humiliations hard to bear, the plenipotentiaries were compelled to return home without being received officially by the intoxicated government to which they had been addressed, but not before they had encountered the masterly ability of Talleyrand, who in reply to their statement of the *claims* of the United States, presented the *counter-claims* of France. Though remaining in Paris merely on sufferance, they had unofficial interviews with various agents of the republic, and even with Talleyrand himself; but without dwelling on details which are not pertinent to this occasion, it is enough to say, that, while refusing to offer a loan or a bribe, they were able to declare frankly to Talleyrand "that France had taken violently from America more than fifteen millions of dollars, and treated us in every respect as enemies."—(*Wait's American State Papers*, vol. 3, p. 497;) and also to receive from Talleyrand a concession, recorded in one of their despatches, that "some of these claims were probably just;" with the inquiry, "whether, if they were acknowledged by France, we could not give a credit as to the payment—say for two years?"—(*French Spoliations, Ex. Doc.*, 1826, p. 487.) Here again was an admission which must not be forgotten.

The return of our plenipotentiaries without satisfaction was aggravated by the unveiled circumstances of an attempted negotiation which an eminent continental writer has not hesitated to brand as "unique in the annals of diplomacy."—(*Garden, Traités de Paix*, tom. 6, p. 120.) The American plenipotentiaries had been invited to pay a *gratification* of twelve hundred thousand francs, and the whole desperate intrigue, conducted by persons entitled in the correspondence X, Y, Z, was published to the world. The country was indignant,

and war seemed to be imminent. By various acts of legislation Congress made the proper preparations, and Washington was summoned from his retirement to gird on his sword once more, as lieutenant general. But the claims for French spoliations were never absent from the mind. By act of the 28th May, 1798, public vessels of the United States were authorized to capture all "armed vessels of the republic of France, *which have committed, or shall be found hovering on the coast of the United States for the purpose of committing depredations on vessels belonging to citizens thereof;*" and this statute was introduced by a preamble asserting "*depredations on the commerce of the United States a violation of the law of nations and of treaties.*" By act of June 13, 1798, all commercial intercourse was suspended between the United States and France, until the "government of France shall clearly disavow, and shall be found to refrain from *the aggression, depredations, and hostilities by them encouraged and maintained against the vessels and other property of the citizens of the United States.*" By act of June 25, 1798, merchant vessels of the United States were authorized to resist search, or seizure, by any French armed vessel; to repel assaults and to capture the aggressors, until "the government of France shall cause the commanders and crews of all armed French vessels *to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that government against the merchant vessels of the United States.*" By act of July 7, 1798, the treaties with France were declared to be no longer obligatory on the United States; and this statute was introduced by a preamble asserting that "*the just claims of the United States for reparation of injuries* had been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations had been repelled with indignity." Thus, by express term, in repeated acts at the time, did Congress recognize the validity of these claims.

By these vigorous measures the rights of these claimants were asserted, and the country was put in an attitude of defence. The French directory became less intolerable, and negotiations were invited again, with the assurance that the former rudeness should not be renewed. John Adams was now President, and for the sake of peace he seized the opportunity of this overture, by appointing Chief Justice Ellsworth, Patrick Henry, and William Van Murray as a second triumvirate of plenipotentiaries to France. As Mr. Henry declined, Mr. Davie, of North Carolina, was substituted in his place. In adjusting the instructions President Adams himself took a personal part, as appears by a letter to the Secretary of State, where he says: "The principal points, *indeed all the points*, of the negotiation, were so minutely considered and *approved by me and all the heads of department* that nothing remains but to put them into form and dress, which service I pray you to perform as promptly as possible." —(*Adams's Works*, vol. 1, p. 553.) But "all the points" were three only. 1st. Indemnity for spoliations of American commerce. 2d. The unquestionable wrong of seizing American vessels for the want of the papers known to French law as *rôle d'équipage*. And 3d. The refusal to renew the treaty guarantee of the French West Indies. Such were the *ultimata* originally settled by the President and his cabinet on the 4th March, 1799, and afterwards fully developed in the elaborate instructions of Mr. Pickering, dated 22d October, 1799, which, after announcing that "the conduct of the French republic would well have justified an immediate declaration of war on the part of the United States," proceeded to declare, as the first point, that the plenipotentiaries, "*at the opening of the negotiation*, will inform the French ministers that the United States expect from France, *as an indispensable condition of the treaty*, a stipulation to make to the citizens of the United States *full compensation for all losses and damages* which they shall have sustained by reason of irregular or illegal captures, or condemnation of their vessels and other property." And the instructions end as they began, by declaring, as first among the *ultimata*, "that an article be in-

serted for establishing a board with suitable powers to hear and determine the claims of our citizens, and *binding France to pay or secure payment of the sums which shall be awarded.*"—(*French Spoliations, Ex. Doc.*, 1826, p. 562, 575.) Mark here the positiveness of the assertion.

These instructions to our plenipotentiaries attest the interest of our government in securing these indemnities. Placed first among the *ultimata* adopted in the councils of President Adams, they were placed first in the diplomatic instructions. But there is yet other evidence of their character and amount. The Secretary of State, in a report to Congress, dated January 18, 1799, after attributing them to French feeling on account of the British treaty, proceeds to characterize them in remarkable words: "Yet that treaty had been made its chief pretence for these unjust and cruel depredations on American commerce, which have brought distress on multitudes, and ruin on many of our citizens, and occasioned *a total loss of property to the United States of probably more than twenty millions of dollars.*"—(*French Spoliations, Ex. Doc.*, 1826, p. 480.) Such were the outrages for which our plenipotentiaries were to seek redress.

The directory had ceased to exist; but on reaching Paris the plenipotentiaries were cordially received by Talleyrand, the citizen minister of foreign affairs, who without delay presented them to the First Consul, as he was about to mount for that wonderful campaign which, beginning in the passage of the Alps, ended at Marengo. Negotiations commenced at once, and Joseph Bonaparte, the elder brother of the First Consul, afterwards king of Spain, was placed at the head of the commission on the part of France. Appreciating, as they announced, "the value of time," the American plenipotentiaries, in a brief note on the 7th April—the very day when the exchange of powers had been completed—proposed "an arrangement *to ascertain and discharge the equitable claims of citizens* of either nation upon the other, whether founded in contract, treaty, or the law of nations;" all of which was to be done in order "to satisfy the demands of justice, and render a reconciliation cordial and permanent."—(*French Spoliations, Ex. Doc.*, 1826, p. 581.) Thus distinctly were these claims presented at the very threshold. The French plenipotentiaries in their prompt reply admitted that "the *first object* of the negotiation ought to be the determination of the regulations, and the steps to be followed, for the *estimation and indemnification of injuries for which either nation may make claim for itself* or for any of its citizens."—(*Ibid.*, p. 581.) Here was the suggestion of claims, not only "individual," but also "national," under which loomed the *counter-claims* of France.

The American plenipotentiaries, while professing to be free from "apprehension of an unfavorable *balance*," protested against the consideration of any "national" claims until some "convenient stage of the negotiation, after it shall be seen what arrangement would be acceptable for the *claims of citizens.*"—(*Ibid.*, p. 582.) The French plenipotentiaries rejoined by enforcing "national" as well as "individual" claims.—(*Ibid.*, p. 583.) The issue seemed to be made. On the one side were the "individual" claims of American citizens, on the other side the "national" claims of France. The American plenipotentiaries were not authorized to recognize the "national" claims. The French plenipotentiaries were not authorized to recognize the "individual" claims, without a previous recognition on our part of the "national" claims. At last, after various efforts at harmony, it was officially announced that "the negotiation was at a stand on the part of France," as her plenipotentiaries were constrained by the instructions of the First Consul "to make the acknowledgment of former treaties the basis of negotiation *and the condition of compensation.*"—(*Ibid.*, p. 609.) The First Consul was then on the Italian slope of the Alps, about to pounce upon the astonished Austrians. Claims and counter-claims were at that moment of little interest to him.

Thus far the committee have exhibited the origin and history of the claims of the United States. But the time has come to change the scene, and to ex-

hibit those counter-claims which played such a part in the successive negotiations, and finally produced that *dead-lock*, when the two powers stood face to face with antagonist claims, unable to go forward, and unwilling to go backward.

COUNTER-CLAIMS OF FRANCE, THEIR ORIGIN AND HISTORY.

II. The counter-claims of France differ widely in character from the claims of American citizens. They were not "individual," but "national," and they were founded on alleged violations of treaty stipulations, assumed by the United States in return for the aid of France in the establishment of national independence. In the course of the protracted controversy between the two republics they were detailed in numerous official notes; but they were brandished by Talleyrand, with offensive skill and effect, in the very faces of our insulted plenipotentiaries, under date of March 18, 1798, when, while driving them from Paris, he insisted "that the *priority of grievances and complaints belonged to the French republic*, and that these complaints and these grievances were as real as numerous long before the United States had the least ground of claim"—(*French Spoliations, Ex. Doc.*, 1826, p. 490.) A careful inquiry will enable us to see that this allegation, thus confidently uttered, was not without a certain foundation; and here we must repair to the history of our country.

The triumph with which our war of independence happily ended came tardily, after seven years of battle, suffering, and exhaustion, but it was hastened, if not assured, by the generous alliance of France. From Bunker Hill to Saratoga it was chequered with gloom, which even the surrender of Burgoyne did not suffice to dispel. Then came the dreary winter of Valley Forge, when soldiers of Washington, after treading the snows barefoot, were obliged for want of blankets to huddle all night by the fires, and even the stout heart of the commander-in-chief bent so far as to announce, in a formal letter to Congress, that "unless some great and capital change takes place, the army must be inevitably reduced to one or the other of three things—starve, dissolve, or disperse." But the scene was changed when the glad tidings came that France, by solemn treaty signed by Franklin, February 6, 1778, had bound herself to "guarantee to the United States their liberty, sovereignty and independence, absolute and unlimited." The camp broke forth with the mingled joy of the soldier and patriot, as it turned gratefully to Lafayette, who was already by the side of Washington, the forerunner of the armies and navies now promised to our cause. Congress took up the strain of joy, and, by a unanimous vote, ratified the treaty which opened to our country the gates of the future.

It would be difficult to estimate the value of this treaty in money, especially when we consider its consequences. According to the report of Calonne, the French minister of finance, the war which ensued in the support of this guaranty cost France fourteen hundred and forty millions of francs, or about two hundred and eighty millions of dollars. But French blood, more costly than money, was shed on land and sea in the same cause, until at last the army of Cornwallis surrendered at Yorktown to the allied forces of Rochambeau and Washington, and the war closed by the recognition of the independence of the United States. If liberty be priceless—if life be priceless—then was the aid lavished by France infinite beyond calculation.

But the engagements were not all on the side of France. Beyond the gratitude due for this powerful alliance, there were express obligations solemnly assumed by the United States, not only in the treaty of alliance, but also in the treaty of amity and commerce negotiated on the same day. These obligations, constituting the consideration of the mighty contract, were of two classes: first, a guaranty by the United States of the possessions of France in America; and, secondly, important privileges for the armed ships of France, with a promise of American convoy to French commerce.

(1.) The terms of the guaranty are as follows: "The two parties guarantee, *mutually*, from the present time *and forever*, against all other powers, to wit: the United States to his most Christian Majesty, *the present possessions of the crown of France in America*, as well as those which it may acquire by the future treaty of peace. And his most Christian Majesty guarantees, on his part, to the United States, *their liberty, sovereignty, and independence, absolute and unlimited*, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the domains now or heretofore possessed by Great Britain in North America."—(Art. 2.) And in order to fix more precisely the sense of this article, it was further stipulated between the two contracting parties that, "*in case of rupture* between France and England, the reciprocal guarantee shall have full force and effect the moment such war shall break out; or if no rupture took place, then the guarantee shall not take place until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions."—(*Statutes at Large*, vol. 8, p. 10.) The possessions of France in America at this date were the islands of St. Domingo, Martinique, Guadeloupe, St. Lucia, St. Vincent, Tobago, Deseada, Mariegalante, St. Pierre, Miquelon, Granada, and Cayenne, on the main land—each and all of which the United States undertook to guaranty to France *forever*. Here, then, was a *continuing guaranty*, so far as this term of the law may be applied to an international transaction, which, beginning "in case of rupture between France and England," was to be effective after "the cessation of the war between the United States and England," and was to continue "forever."

The terms of the "guaranty" are general, and it was "forever." Even if it be limited to a *defensive* war, it would be difficult to say that France was not engaged in such a war, with the added condition that it was a war waged by a combination of kings to overcome a republic. France was alone, while the royalties of Europe gathered their forces against her. It was only after the execution of the King that England joined this array, lending to it invincible navies. But, according to official avowals, it was what King George called "the atrocious act recently perpetrated at Paris," that finally prompted the part she undertook, (*Ann. Reg.*, 1793, *State Papers*, 229;) and her real object, in the language of Mr. Fox, was "no other than the destruction of the internal government of France." The case was unprecedented; but it is difficult to say that it did not come under the "guaranty." The *casus fœderis* had occurred. If France did not exact its performance, that is no reason why our obligations should be disowned, when, at the present moment, we are trying to arrive at some appreciation of their extent. But a careful examination of the words of the treaty shows that the "guaranty" originally became obligatory, on the occurrence of a *rupture between France and England*. Nothing is said or suggested as to the character of the war, whether offensive or defensive. It is enough that there was a "rupture." In such a case the "guaranty," according to the illustration of Cicero, was *tanquam gladium in vaginâ*, at the disposal of France. And our Secretary of State, even while seeking to limit its application, seems to have seen it prospectively in this light, when in his instructions of July 15, 1797, to our plenipotentiaries, Messrs. Pinckney, Marshall and Gerry, he said, "our guarantee of the possessions of France in America will perpetually expose us to the risk and expense of war, or to disputes and questions concerning our national faith."—(*French Spoliations, Ex. Doc.*, 1826, p. 457.)

(2.) The treaty of amity and commerce contained a succession of mutual stipulations, by which the United States undertook, *first*, to protect and defend by their ships-of-war, or convoy any or all vessels belonging to French subjects, so long as they hold the same course, "against all attacks, force, and violence, in the same manner as they ought to protect and defend" the vessels of citizens of the United States.—(Art. 6 and 7.) *Secondly*, to open their ports to French ships-of-war

and privateers with their prizes, and to close them against those of any power at war with France, except when driven by stress of weather; and then "all proper means shall be vigorously used that they go out and retire as soon as possible."—(Art 17.) *Thirdly*, to allow French privateers "to fit their ships, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandise, or any other lading;" but privateers in enmity with France were forbidden even to victual in ports of the United States.—(*Statutes at Large*, vol. 8, p. 13.) As if to round and complete these engagements, it was still further stipulated on the part of the United States, in a consular convention, which, after many perplexities of diplomacy which Franklin could not overcome, was finally signed by Mr. Jefferson in 1788, as a postscript to the earlier treaties, that French consuls and vice-consuls in the United States should have power and jurisdiction on board French vessels in civil matters, with the entire inspection over such vessels, their crews, and the changes and substitutions there to be made.—(Art. 7. *Ibid.*, p. 112.)

Such, briefly recited, were the solemn engagements of the United States, sanctioned by treaties, as the price of independence. So long as France remained at peace with all the world, especially with Great Britain, these engagements slept unnoticed, but ready to spring into life at the first blast of war. At last that blast was heard, perhaps as never before in human history, echoing from capital to capital, and sounding a crusade of monarchical Europe against republican France. Out of all the ministers of foreign powers at Paris, the minister of the United States alone remained; the rest had fled.

But the minister of the United States saw at once the danger lowering upon his own country from the obligations of existing treaties. In a letter to the Secretary of State, dated December 21, 1792, (*American State Papers, Foreign Affairs*, vol. 1, p. 347,) after presenting a rapid sketch of the rising of Europe against France, he adds: "The circumstance of a war with Great Britain becomes important to us in more cases than one," and he then alludes to the "question respecting the *guarantee* of American possessions, especially if France should attempt to defend her islands." Notoriously Gouverneur Morris did not sympathize strongly with the French republic, but, against all arguments for non-compliance with our original engagement, because the government with which they were made had ceased to exist, his sensitive nature broke forth in the "wish that all our treaties, however onerous, may be strictly fulfilled according to their true intent and meaning," which he followed in language foreign to the phrases of diplomacy, by picturing the honest nation as that which, like the honest man,

Hath to its plighted faith and vow forever stood;
And though it promised to its loss, yet makes that promise good.

In harmony with this exclamation of the plenipotentiary are the words of Vattel, an authority much quoted at the time, when he says: "To refuse an ally the succors due to him, without a just dispensation, is doing him an injury, and there being a natural obligation to repair the damage done by our fault, and especially by our injustice, we are bound to indemnify an ally for all the losses he may have sustained from our unjust refusal."—(*Vattel, Law of Nations*, book 3, cap. 6, section 94.)

Since the signature of the treaties the times had changed, and men had changed with them. There was no bad faith, in the ordinary sense of the term, on either side, but each was driven by intervening events and the exigencies of self-defence into unexpected inconsistencies of conduct. If on one side there was a neglect of original engagements, there was on the other side an equal neglect of international duties. The tornado, in its mad career, had uprooted old landmarks, and each was striving to find new lines of reciprocal relations. Franklin, when he signed the "guaranty," did not expect so soon to call down upon his country the lightnings of an embattled world; nor did France, while

formally conceding neutral rights on the ocean and assuring our national independence, expect so soon to become the plunderer of our commerce. But the great tragedy of the time would not have been complete if its domineering Nemesis had suffered the two republics to dwell in harmony together. They were whirled, on each side, into those questionable acts out of which have sprung the claims and counter-claims now under consideration.

A new French minister was at hand, accredited to President Washington, with instructions from his government. Already there were differences of opinion in the cabinet as to the obligations of the guaranty, some holding that it had expired with the French monarchy, and others that the war on which France had entered was not defensive, so that the *casus fœderis* had not arrived. After ample discussion the proclamation of neutrality was put forth, April 22, 1793, destined to become one of the turning-points of our history. Chief Justice Marshall, whose opportunities of information were unquestionable, has let us know that the proclamation was "intended to prevent the French minister from demanding *the performance of the guaranty contained in the treaty of alliance.*" But before the proclamation had reached France, orders, in direct repugnance to the treaties with the United States, had been issued there for the capture and forfeiture of enemies' goods on board neutral vessels; whereas it had been stipulated that free ships should make free goods, so that even if the denial of the "guaranty" was wrong, and the proclamation, according to French accusation, was "insidious," the United States were not the first on the list of offenders.

On the day of the issue of the proclamation news came by the journals that Genet, the new French minister, had landed at Charleston, where, amidst the darkest days of the Revolution, Lafayette had first landed also. Full of the conviction that France had only to speak in the United States, and her cause would be sustained, he exalted himself at once above the government. By his instructions from the executive council of the French republic, dated 17th of January, 1793, he was enjoined "to penetrate profoundly the sense of the treaties of 1778, and to watch over the articles favorable to the commerce and navigation of the United States, and to make the Americans consider engagements which might appear onerous *as the just price of the independence which the French nation had secured to them.*" But not content with the existing safeguards, the new minister was to negotiate a new treaty, in order to fix more surely "the *reciprocal guaranty* of the possessions of the two powers."—(*Gebhardt's American and French State Papers*, vol. 1, pp. 9 and 10.) In this spirit he commenced a turbulent career, charging offensively that the President was in a hurry, before knowing what the minister had to communicate from the French republic, "to proclaim sentiments on which decency and friendship should at least have drawn a veil;" "that he took on himself to give to our treaties arbitrary interpretations absolutely contrary to their true sense, and that he left no other indemnification to France for the blood she spilt, for the treasure she dissipated, in fighting for the independence of the United States, but the illusory advantage of bringing prizes into their ports without being able to sell them;" and "that the Secretary of War, on his communication of the wish of the Windward Islands to receive promptly some fire-arms and some cannon, which might put into a state of defence *possessions guaranteed by the United States*, had the front to answer, with an ironical carelessness, that the principles established by the President did not permit him to lend so much as a pistol."—(*American State Papers, Foreign Affairs*, vol. 1, pp. 173, 174.) In another letter the French minister, under date of June 8, 1793, requires that "the federal government should observe the public engagements contracted, and give to the world the example of a true neutrality, which does not consist in the cowardly abandonment of friends at the moment when danger menaces."—(*French Spoliations, Ex. Doc.*, 1826, p. 193.) And in still another letter, dated June 22, 1793, he declares that "it is in the conventional compacts, taken collectively, that we ought to

seek contracts of alliance and of commerce simultaneously made, if we wish to take their sense and interpret faithfully the intentions of the people who cemented them, and of the men of genius who dictated them.”—(*Ibid.*, p. 199.) All of which was followed by another letter, dated November 14, 1793, in which the minister says categorically: “I beg you to lay open to the President the decree and the enclosed note, and to obtain from him the earliest decision, *either as to the guaranty I have claimed the fulfilment of for our colonies*, or upon the mode of negotiation of the new treaty I was charged to propose to the United States, which would make of the two nations but one family.”—(*Ibid.*, p. 281.) At last Genet was dismissed, but the question of our engagements with France could not be dismissed. It was in itself more menacing than any minister. Without it all the turbulence of Genet would have been as the idle wind.

And yet, for a while, each party seems to have practiced a certain reserve on this question. Genet stormed, but the government at home was tranquil. The “guaranty” was suspended, even in discussion. France forbore, for the present, to press it, and the United States were happy to avoid the overshadowing question. The Secretary of State, in his instructions to Mr. Monroe at Paris, dated June 10, 1794, while insisting “upon compensation for the captures and spoliations of our property, and injuries to the persons of our citizens by French cruisers,” was careful to add: “If the execution of the *guaranty* of the French islands by force of arms should be propounded, you will refer the republic of France to this side of the water.”—(*American State Papers, Foreign Affairs*, vol. 1, p. 668.) And Mr. Monroe, in his correspondence, under date of September 15, 1794, says: “This republic had declined calling on us to execute the guaranty, from a spirit of magnanimity, and a strong attachment to our welfare;” but he reveals his anxiety “lest an attempt to press our case might give birth to sentiments of a different kind, and *create a disposition to call on us to execute that of the treaty of alliance*.”—(*Ibid.*, p. 675.) And in another letter, dated November 7, 1794, describing an interview with the very able diplomatic committee, he confesses the embarrassment he had encountered when M. Merlin twice over asked, “Do you insist on *our* executing the treaty?” And he gives his reply, “that he was not instructed by the President to insist upon it, nor did he insist upon it;” and he avows that, in his opinion, such insistence would have been impolitic, as “exciting a disposition to press us on other points, *upon which it were better to avoid any discussion*.”—(*Ibid.*, p. 87.) There is other testimony of this nature, which it is unnecessary to produce. Suffice it to say, that for some time during the mission of Mr. Monroe there was a lull in our discussions with the French republic—destined, however, to be followed by a storm.

The forbearance of the French at this moment appears more remarkable, when it is considered that the occasion for the “guaranty” had begun to be urgent. The British navy, even before Howe’s great victory of June, which annihilated the French fleet, swept the sea, so as to render all the French possessions insecure. Tobago, Martinique, St. Domingo, St. Lucia, and Guadeloupe, were lost to the republic in the spring of 1793, so that the British historian has written: “Thus, in little more than a month, the French were entirely dispossessed of their West India possessions, with hardly any loss to the victorious nation.”—(*Alison’s History*, vol. 3, p. 396, chap. 16.) But the “guaranty” was invoked by the impatient colonists, who, without waiting the action of the French republic, appealed directly to the Congress of the United States for “divers necessary succors—of provision, ammunition, and even men,” and in impassioned language pictured “England coming to take possession of French colonies in the name of a king without dominions, and North America unable to lend a helping hand against the perfidy.”—(*American State Papers, Foreign Affairs*, vol. 1, p. 326.) But the French government at home did not at this moment share the fury of the colonists. According to Mr. Monroe, in his letter

of December 2, 1794, whatever may have been their desires at a previous stage, they did not wish us now "to embark with them in the war, but would rather that we would not, from an idea that it might diminish their supplies from America; and if the point depended upon them, they would leave us to act according to our own wishes;" at the same time, they evidently looked to us "for aid in the article of money."—(*Ibid.*, p. 688.) But this moderation, although a temporary waiver of rights, was in no respect a renunciation of them. According to Mr. Jefferson, in a letter written some months after his retirement from the cabinet, and addressed to Mr. Madison, under date of April 3, 1794, the "guaranty" was still obligatory upon us. "As to the guaranty of the French islands," he wrote, "whatever doubt may be entertained of the moment at which we ought to interpose, yet *I have no doubt but we ought to interpose at a proper time* and declare both to England and France that the islands are to rest with France, and that we will make *common cause* with the latter for that object."—(*Jefferson's Works*, vol. 4, p. 102.) Such was the testimony of one of our own statesmen at the time.

The West India islands were lost without causing an apparent smart in the republic at home; but it was different when the news came of Mr. Jay's negotiation in England. The republic was then stung to the quick, and when the treaty became known did not conceal its indignant anger. Its conduct towards the United States was changed. In a formal note, dated March 11, 1796, it set forth its complaints, dwelling especially upon the "inexecution of treaties," and upon the formation of the recent treaty with Great Britain, in which the United States "knowingly and evidently sacrificed their connection with the republic."—(*American State Papers, Foreign Affairs*, vol. 1, p. 658.) In conversation with Mr. Monroe, the French minister said "that France had much cause of complaint against us, independently of our treaty with England, but that, by this treaty, ours with them was annihilated."—(*Ibid.*, p. 731.) The year closed with the recall of Mr. Monroe, and with a notice from the French government that "it will no longer recognize or receive a plenipotentiary from the United States, *until after a reparation of grievances*, which the republic has a right to expect." And then, as if to add ingratitude to the list of our offences, it declared an equal expectation "that the successors of Columbus, Raleigh, and Penn, always proud of their liberty, will never forget *that they owe it to France*."—(*Ibid.*, pp. 746, 747.) Meanwhile, M. Adet, the French plenipotentiary in Philadelphia, was addressing our government in a similar strain, calling for the discharge of our engagements, and heaping reproaches: "The undersigned, minister plenipotentiary of the French republic, now fulfils to the Secretary of State of the United States a painful but sacred duty. *He claims, in the name of American honor, in the name of the faith of treaties, the execution of that contract which assured to the United States their existence*, and which France regarded as the pledge of the most sacred union between two people the freest upon earth." And he charges the United States with "sacrificing France to her enemies, and forgetting the services that she had rendered, and throwing aside the duty of gratitude, as if ingratitude were a governmental duty."—(*Ibid.*, pp. 579, 583.) From this time forward the claims of the United States never failed to encounter the counter-claims of France.

That mutual coquetry which had characterized the two governments during the mission of Mr. Monroe gave way to mutual recrimination and repulsion, where France, however, took the lead. M. Adet was recalled from Philadelphia; Mr. Pinckney was sent away from Paris. Three fatal decrees were launched at our commerce, letting loose a new brood of spoliations, destined to enlarge those claims which are now under consideration: first, that the republic will treat all neutrals in the same manner as they shall suffer the English to treat them; secondly, that the stipulations of the treaty of 1778, which concern the

neutrality of the flags, were altered and suspended, in their most essential points, by the treaty with England; and thirdly, still another, enlarging the list of contraband, declaring Americans in the service of England pirates, and authorizing the seizure of all American vessels without a *rôle d'équipage*, which notoriously no American vessel ever carried, so that our flag was delivered over to the depredation of every French cruiser.

Then came that triumvirate of plenipotentiaries, Messrs. Pinckney, Marshall, and Gerry, who were particularly instructed by our government, while urging the multiplied claims of our citizens, already valued at "more than twenty millions of dollars," to propose "a substitute for the reciprocal guarantee;" or "if France insists on the mutual guarantee, to aim at some modification of it;" "instead of troops or ships-of-war, to stipulate for a moderate sum of money or quantity of provisions, at the option of France—the provisions to be delivered at our own ports, in any future *defensive* wars; the sum of money, or its value in provisions, not to exceed two hundred thousand dollars a year, during any such war."—(*American State Papers*, vol. 2, p. 155.) Here was a recognition by the United States of the "guaranty," and a sum offered for a release from its requirements. But the French republic, drunk with triumph and with anger, was in no mood for negotiation.

It met our plenipotentiaries with an intrigue already mentioned as unparalleled in the history of diplomacy, and, after tolerating their presence for a while at Paris, without granting them an official reception, it sent them away, disappointed and dishonored. But even in the informal relations which had been established, Talleyrand, in the name of the republic, advanced and vindicated the counter-claims of France. Without dwelling at length on his argument, it is enough for the present purpose to quote his precise words in a letter to Mr. Gerry, of June 15, 1789: "*The French republic desires to be restored to the rights which the treaties with your republic confer upon it, and through these means it desires to assure yours. You claim indemnities; it equally demands them; and this disposition, being as sincere on the part of the United States as it is on its part, will speedily remove all the difficulties.*"—(*French Spoliations, Ex. Doc.*, 1826, p. 529.) Thus plainly was the case stated. It was not denied that indemnities were due to the United States, but it was insisted that they were also due to France.

The relations of the two countries, once allies, were now of the most painful character. Washington was no longer President; but his farewell address, in some of its most important parts, was evidently inspired by the counter-claims of France—especially when, from the depths of his own experience, he warned his fellow-countrymen "to steer clear of *permanent alliances* with any portion of the world, *so far as we are at liberty now to do it*; "to have with foreign nations as little *political* connection as possible;" "to be constantly awake against the insidious wiles of foreign influence; and then asked in well-known words, "why quit our own to stand on foreign ground? Why, by *interweaving our destiny with that of any part of Europe*, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor or caprice?" In these remarkable words, where the same tone, if not the same lesson, recurs, we may discern the undissembled anxieties of the hour. By the guaranty and other stipulations of 1778, our peace and prosperity had been entangled, even if our destiny had not been interwoven, in distant toils. France was urgent and brutal. War seemed impending. At last another triumvirate of plenipotentiaries, Messrs. Ellsworth, Davie, and Murray, was commissioned to attempt again the adjustment of those complications which had thus far baffled the wisdom of Washington; but compensation for the "individual" claims of American citizens was required as the indispensable condition of the treaty which they were to negotiate.

Such is the origin and history of the counter-claims of France. And now

again in this review we are brought to the very point where the committee had arrived in exhibiting the claims of the citizens of the United States. The plenipotentiaries on each side have met to negotiate while the First Consul has gone to Marengo. On each side they are equally tenacious. There is a deadlock. How this was overcome belongs to the next chapter.

ADJUSTMENT BETWEEN THE UNITED STATES AND FRANCE BY THE SET-OFF
AND MUTUAL RELEASE OF CLAIMS AND COUNTER-CLAIMS.

III. The rules of duty and of conduct which prevail between individuals are applicable also to nations, and the proceedings on this occasion illustrate this principle. The two parties could not agree. Clearly, then, for the sake of harmony, it was essential to postpone both claims and counter-claims to some future day, with a view to a further negotiation, or, if this were not done, to treat them as a set-off to each other. Such, unquestionably, would have been the action in a matter between individuals. But the history of this negotiation shows the successive adoption of each of these modes. Postponement was first tried, but it gave way at last to *set-off*, by virtue of which the *international* controversy was closed. This conclusion was reached slowly and by stages, as will be seen in a simple narrative of the negotiation.

The plenipotentiaries on each side evinced at the outset a disposition in general terms to provide for reciprocal claims; but the claims specified by the American plenipotentiaries were those of "*citizens* of either nation," while those specified by the French plenipotentiaries were those which "either nation may make *for itself* or any of its citizens." In this difference of specification was the germ of the antagonism which was soon developed, especially when the American plenipotentiaries proposed to recognize the treaties and consular convention as existing between France and the United States only to July 7, 1798, the date of the statute by which Congress undertook to annul them. This distinction seems to have been unnecessary, for the French spoliations were clearly as much in contravention of the law of nations as of the treaties. But it furnished to the French plenipotentiaries the opportunity of declaring, under date of May 6, 1800, that "the instructions of the ministers of the French republic have pointed out to them the treaties of alliance, friendship, and commerce and the consular convention *as the only foundations of their negotiations*; that upon these acts has arisen the misunderstanding, and that upon these acts union and friendship should be established."—(*French Spoliations*, 1826, p. 591.) Thus were the treaties put forward by France; and our plenipotentiaries, in their communication with their own government, dated May 17, 1800, testify to the persistency of their efforts when they wrote, "Our success is yet doubtful. The French think it hard to indemnify for violating engagements, *unless they can thereby be assured to the benefits of them*."—(*Ibid.*, p. 607.) But on this point our government was inexorable.

The return of the First Consul from Italy was signalized by fresh instructions to the French plenipotentiaries, who proceeded to declare, under date of August 11, 1800, (*Ibid.*, p. 616,) that "the treaties which united France and the United States are not broken, and that their first proposition is to stipulate a full and entire recognition of the treaties, and the reciprocal engagements of compensation for damages resulting on both sides from their infractions." Here, again, the "individual" claims of citizens of the United States were doomed to encounter the "national" claims of France. And this communication concluded with a formal proposition in these words: "Either the ancient treaties, with the privileges resulting from priority and the stipulation of reciprocal indemnities, or a new treaty without indemnity." Thus it stood—claims and counterclaims.

The American plenipotentiaries were driven to choose between an abandonment of the negotiations and an abandonment of their instructions. It was clear,

from the French persistency, that the treaties, with all the counter-claims, must be recognized, or the indemnities, with all the claims, must be sacrificed. The American plenipotentiaries then took the extraordinary responsibility of a proposition which not only testifies to their earnest desire for a settlement, but also to their sense of the pressure from France. It was nothing less than a price, in money, for a release from certain stipulations; but this was to be accomplished by "a reciprocal stipulation for *indemnities limited to the claims of individuals*." The French plenipotentiaries, in reply, insisted upon the recognition of the treaties in general terms, and also the rights of their privateers in our ports; but they offered to commute the guaranty for a sum of money. The American plenipotentiaries, hampered by the recent treaty with Great Britain, were obliged to reject this proposition; but, after requiring the satisfaction of "individual" claims, they offered, in general terms, that "the former treaties should be renewed and confirmed, and have the same effect as if no misunderstanding between the two powers had occurred;" and further, that, *in consideration of eight millions of francs*, the United States shall be released from the guaranty, and also from those other articles relating to prizes which had caused so much embarrassment.—(*French Spoliations, Ex. Doc.*, 1826, p. 615–629.) But the French plenipotentiaries assumed a new position in the following reply, under date of September 4, 1800.—(*Ibid.*, 630:)

"*To the Ministers Plenipotentiary of the United States:*

"We shall have the right to take our prizes into the ports of America.

"A commission shall regulate the indemnities which either of the two nations may owe to the citizens of the other.

"*The indemnities which shall be due by France to the citizens of the United States shall be paid for by the United States. And, in return for which, France yields the exclusive privilege resulting from the 17th and 22d articles of the treaty of commerce, and from the rights of guarantee of the 11th article of the treaty of alliance.*

"BONAPARTE.

"C. P. CLARET FLEURIEU.

"ROEDERER."

Here was the first proposition of *set-off* between the two powers. On the one side were the "indemnities due by France to citizens of the United States," and on the other side were the "privileges and rights" under the treaties; but it will not fail to be remarked that *the indemnities due by France were to be paid by the United States*. This proposition proceeded obviously on the idea that the counter-claims of France were at least equal in value to the claims of the United States, and that the release of the former was a sufficient consideration for the assumption of the latter; but it was entirely beyond the powers of the American plenipotentiaries, who, in their reply, pronounced it "inadmissible." It revealed, however, the desire of France to escape any payment of money, as only a few days later was openly avowed by the French plenipotentiaries, "giving as one reason the utter inability of France to pay in the situation in which she would be left by the present war."—(*Ibid.*, p. 633.) This declared inability served to explain the difficulties which the American plenipotentiaries had encountered. Evidently, there was a "foregone conclusion" that no money was to be paid by France. The counter-claims furnished the obvious *substitute*. But as these were "national," while the claims of the United States were "individual," there could be no just *set-off* between them, unless the American government assured to its citizens the payment of what was due from France, according to the proposition of the French plenipotentiaries.

The American plenipotentiaries were disheartened. There was nothing in their instructions to enable them to meet the new and unexpected turn of affairs. The treaty, which they had striven to negotiate, seemed to elude their grasp.

They have recorded in their journal, under the date of September 13, 1800, that "being now convinced that the door was perfectly closed against all hope of obtaining indemnities with any modification of the treaties, it only remained to be determined whether, under all circumstances, it would not be expedient to attempt a *temporary arrangement*."—(*Ibid.*, p. 634.) But the French plenipotentiaries did not proceed to the consideration of this proposition without insisting, "first, that a stipulation of indemnities carries with it the full and entire admission of the treaties; and, secondly, that the relinquishment of the advantages and privileges stipulated by the treaties, by means of the reciprocal relinquishment of indemnities, would prove to be the most advantageous arrangement, and also the most honorable to the two nations."—(*Ibid.*, p. 636.) Here, again, was a proposition of a *set-off*, which was repeated in other different forms.

But the *dead-lock* which had clogged the negotiation, even at the beginning, was now complete. The American plenipotentiaries announced to their government that they "were driven to quit France," or to find some other terms of adjustment. The latter alternative was adopted, and the negotiation was renewed, with the understanding "that the parties put off to another time the discussion of the indemnities and the treaties."—(*Ibid.*, p. 687.) The other questions of a general character furnished no ground of serious controversy; and the conferences proceeded tranquilly, from day to day, till September 30, 1800, when the negotiation resulted in what was entitled a "*provisional treaty*." The title, which revealed its temporary character, was subsequently changed, at the request of the French plenipotentiaries, to that of convention, which it now bears in the statute-book.

The convention, after declaring in its first article that "there shall be a firm, inviolable, universal peace, and a true and sincere friendship, between the French republic and the United States of America," proceeded in the next article to stipulate as follows—(*Statutes at Large*, vol. 8, p. 178:)

ARTICLE II. The ministers plenipotentiary of the two parties, not being able to agree at present respecting the treaty of alliance of February 6, 1778, the treaty of amity and commerce, of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows.

By the language of this article, the disagreement of the plenipotentiaries of the two parties with regard to the early treaties and the indemnities mutually due or claimed is specifically declared, and it is then provided that "the *parties* will negotiate further on this subject at a convenient time," which means, of course, that hereafter, at a more auspicious moment, and with other plenipotentiaries, "the parties" will attempt to reconcile this disagreement. The whole subject, with its eight years of controversy and heart-burnings, was postponed. Claims and counter-claims were left to sleep, while the spirit of peace seemed to descend upon the two countries.

The convention was signed at Morfortaine, the elegant country home of Joseph Bonaparte, and the occasion was turned into a festival, illustrated afterwards by the engraving of Piranesi, where nothing was wanting that hospitality could supply. The First Consul was there, with his associates in power; also Lafayette, the friend of our country, rescued from his Austrian dungeon and restored to France; and there also were the plenipotentiaries of both sides, and the American citizens then in France, all gathered in brilliant company to celebrate the establishment of concord between the two republics.—(*Memoires du Roi Joseph*, tom. 1, p. 94.) The First Consul proposed as a toast, "The names of the French and the Americans *who died on the field of battle for the independence of the New World*;" so that even at this generous festival, to grace a reconciliation founded on a postponement of claims and counter-claims, the

youthful chief, whose star was beginning to fill the heavens, proclaimed the undying obligations of the United States to France. This strain has been adopted also by M. Thiers, who, after referring to this convention as the first that was concluded by the consular government, says, "It was natural that the reconciliation of France with the different powers of the globe should begin with *that republic to which she had in a measure given birth.*" But the great historian, while thus recording our obligations to France, shows how claims and counter-claims had been postponed. "The First Consul," he says, "had allowed the difficulties relative to the treaty of alliance of 1778 to be adjourned; but on the other hand, he had required the adjournment of the claims of the Americans relative to captured vessels."—(*Histoire du Consulat*, tom. 2, liv. 7.) In this summary, the stipulations of the convention at the time of its signature are accurately stated. But, however imperfect, it was the first in that procession of peace, embracing Lunéville, Amiens, and the Concordat, which for a moment closed the temple of Janus opened by the revolution in France.

The ratification of the First Consul followed the celebration at Morfortaine, so that the convention, with its postponement of mutual claims, was definitely accepted by France. It was otherwise in the United States, where the result was not regarded with favor. The postponement of a controversy is not a settlement, and here was nothing but a postponement, leaving the old cloud still hanging over the country, ready to burst at the demand of England or of France. It was important that the early treaties, with their entangling engagements, should cease to be recognized, even as a subject of future negotiation. In this spirit the Senate of the United States, when the convention was submitted for ratification, expunged the 2d article, providing that "the parties will negotiate further on these subjects," and limited the convention to eight years. On the 18th of February, 1801, President Adams, by a proclamation, countersigned by John Marshall, as Secretary of State, published the convention as duly ratified, "saving and excepting the 2d article, which was declared to be expunged, and of no force or validity."—(*Statutes at Large*, vol. 8, p. 192.) The precise effect of this proceeding was not explained, and it remained also to see how it would be regarded in France.

Were the claims on France abandoned? This was the question which occupied the attention of our minister, Mr. Murray, who had been charged to exchange with France the ratifications of the convention as amended by the Senate. Reporting to the government at home his conference with the French plenipotentiaries, he said, "I fear that they will press an article of formal abandonment on our part, *which I shall evade.*"—(*French Spoliations*, 1826, p. 666.) He hoped to keep still another chance for indemnities. On the other hand, the French plenipotentiaries feared that an unconditional suppression of the second article would leave them exposed to the claims of the United States without any chance for their counter-claims; but they do not object to a mutual abandonment of indemnities, which Mr. Murray admitted would "always be *set off* against each other."—(*Ibid.*, 675.) At last the conclusion was reached, and on the 31st of July, 1801, the convention was ratified by the First Consul, with the addition of limiting it to eight years, and with the retrenchment of the second article: *Provided, THAT BY THIS RETRENCHMENT THE TWO STATES RENOUNCE THE RESPECTIVE PRETENSIONS WHICH ARE THE OBJECT OF THE SAID ARTICLE.*" Such were the important words of final settlement. What had been left to inference in the amendment of the American Senate was placed beyond question by this French proviso. Claims and counter-claims were not merely suspended, but they were formally abandoned. The convention, with this decisive modification, was submitted to the Senate by President Jefferson, and again ratified by a vote of 22 yeas to 4 nays. On the 21st of December, 1801, it was promulgated by the President in the usual form, with the supplementary proviso, and all persons were enjoined to observe and fulfil the same, "and every clause and article thereof."

There is one aspect of this result which cannot fail to arrest attention. Here was a release of all the outstanding obligations of the United States under those famous treaties with France which assured national independence. The joy with which those treaties, ancient heralds of triumph, were originally welcomed in camp and Congress, has been already portrayed, and now a kindred joy prevailed when the country, anxious and sorely tried, was at last set free from their obligations, and American commerce, venturing forth again from its banishment, brought back its treasures to pour them into the lap of the people. Strange fate! There was joy at the birth of these treaties, and joy also at their death. But it was because their death had become to us, like their birth, a source of national strength and security.

Thus closed a protracted controversy, where each power was persistent to the last. Nothing could be more simple than the mode of adjustment, and nothing more equitable, *if we regard the two governments only*. The claims of each were treated as a *set off* to the claims of the other, and *mutual releases* were interchanged, so that each, while losing what it claimed, triumphed over its adversary. But the triumph of the United States was at the expense of American citizens. Nothing is without its price, and new duties, originating in this triumph, at once sprang into being.

ASSUMPTION OF CLAIMS BY THE UNITED STATES, AND SUBSTITUTION OF UNITED STATES FOR FRANCE.

IV. The natural consequence of this set-off and *mutual release* was the assumption by our government of the original obligations of France to American citizens, and its complete *substitution* for France *as the responsible debtor*. This liability was completely foreseen by the American plenipotentiaries, Messrs. Pinckney, Marshall, and Gerry, who admitted that in case of a surrender of a certain class of these claims, the government at home would become responsible. These were their words, under date of November 8, 1797: "We observed to Mr. Bellamy that none of our vessels had what the French call a *rôle d'équipage*; and that, *if we were to surrender all the property* which had been taken from our citizens in cases where their vessels were not furnished with such a *rôle*, *the government would be responsible to the citizens for the property so surrendered*, since it would be impossible to undertake to assert that there was any plausibility in the allegation that our treaty required a *rôle d'équipage*."—(*French Spoliations, Ex. Doc.*, 1826, p. 467.) This admission, which is so important in this discussion, was so clearly in conformity with correct principles that it was naturally made, even without special instructions from the government.

Had the claims on each side been "national," no subsequent question could have occurred, but each would have extinguished the other in all respects forever. It was the peculiarity of this case that on one side the claims were "national," and on the other side "individual." But a *set-off* of "individual" claims against "national" claims must, of course, leave that government responsible which has appropriated the "individual" claims to this purpose. The set-off and *mutual release* is between nation and nation; but if the claims on one side are only "individual," and not "national," the nation, which, *by virtue of this consideration*, has been released from "national" obligations, must be *substituted* for the other nation as debtor, so that every "individual" whose claims have been thus appropriated can confidently turn to it for satisfaction. On this point there can be no doubt, whether we regard it in the light of common sense, reason, duty, Constitution, or authority.

(1.) It is according to *common sense* that any "individual" interest appropriated to a "national" purpose must create a debt on the part of the nation, which, of course, is still further enhanced, if, through this appropriation, the

nation has been relieved from outstanding engagements already the occasion of infinite embarrassment, but hanging like a drawn sword over the future.

(2.) It is according to *reason*, that any person intrusted with the guardianship of particular interests becomes personally responsible for his conduct with regard to them, especially *if he undertakes to barter them* against other interests for which he is personally responsible. Thus, an attorney who sacrifices the claims of his clients to obtain the release of his own personal obligations becomes personally liable, and so also the trustee who appropriates the trust fund for any personal interest becomes personally liable. All this is too plain for argument, but it is as applicable to a nation as to an individual. In the case now before your committee, our government was attorney to prosecute the "individual" claims of citizens, and also trustee for their benefit, to watch and protect their interests, so that it was bound to all the responsibilities of attorney and trustee, absolutely incapacitated from any act of personal advantage, and compelled to regard all that it obtained, whatever form of value it might assume, whether money or release, as a trust fund for the original claimants.

(3.) *Duty*, also, in harmony with reason, enjoins upon government the protection of its citizens against foreign spoliations and the prosecution of their claims to judgment. Claimants are powerless as "individuals." Their claims can be made effective only when adopted by the nation. But this duty, so obvious on general principles, was re-enforced in the present case by the special undertaking of Mr. Jefferson, which has been already adduced, when he announced that he "had it in charge from the President to assure the merchants of the United States concerned in foreign commerce and navigation, that due attention will be paid to any injuries they may suffer on the high seas or in foreign countries." Clearly such a duty thus founded, and thus openly assumed, could not be abandoned, on *any inducement proceeding from France*, without a corresponding responsibility towards those citizens whose interests were allowed to suffer. A waiver of national duty, especially where made for the national benefit, must entail national obligation.

(4.) The *Constitution* also plainly requires what has seemed so obvious to common sense, reason, and duty, when it declares that "private property shall not be taken for public use *without just compensation*." But here "private property," to a vast amount, was taken for a "public use" of the highest character, involving the peace and welfare of the whole country; and down to this day the sufferers are petitioning Congress for that "just compensation" which is solemnly promised by the Constitution.

(5.) *Public law* is also in harmony with the Constitution in this requirement. According to Vattel, the sovereign may, in the exercise of his right of eminent domain, dispose of the property, and even the person, of a subject, *by a treaty with a foreign power*; "but," says this eminent authority, "as it is for the public advantage that he thus disposes of them, the state is bound to indemnify the citizens who are sufferers by the transaction."—(*Vattel, Law of Nations*, book 4, ch. 2, §12.) Words more applicable to the present case could not be employed.

(6.) The authority of great names confirms this liability of the United States on the present occasion. Among those who took part in the negotiations with France, there were none but Mr. Pickering and Chief Justice Marshall who still lingered on the stage when the subject was finally pressed upon Congress. Mr. Pickering had been Secretary of State under Washington and Adams, and drew the instructions to our plenipotentiaries. His testimony is explicit. Without giving his statement at length, it will be enough to quote these words, in a letter dated November 19, 1824, (Appendix to Mr. Clayton's speech, Senate, 1846:)

"Thus the government *bartered* the *just claim* of our merchants on France to obtain a relinquishment of the French claim for a restoration of the old treaties, especially the burdensome treaty of alliance, by which we were bound

to guarantee the French territories in America. On this view of the case, it would seem *that the merchants have an equitable claim for indemnity from the United States.* * * * It follows, then, that if the relinquishment had not been made, the present French government would be responsible; consequently, the relinquishment by our own government having been made in consideration that the French government relinquished its demand for a renewal of the old treaties, *then it seems clear that, as our government applied the merchants' property to buy off those old treaties, the sums so applied should be reimbursed.*"

But Chief Justice Marshall, who was one of the plenipotentiaries that attempted to secure payment of these claims from France, and afterwards, as Secretary of State, countersigned the proclamation of President Adams first promulgating the convention of 1800, has borne a testimony similar to that of Mr. Pickering. In conversation with Mr. Preston, of South Carolina, he said that "having been connected with the events of the period, and conversant with the circumstances under which these claims arose, *he was, from his own knowledge, satisfied that there was the strongest obligation on the government to compensate the sufferers by the French spoliation.*"—(*Ibid.*)

And Mr. B. Watkins Leigh, of Virginia, testifies that the same eminent authority said in his presence, "distinctly and positively, that *the United States ought to make payment of these claims.*" This testimony made a particular impression upon Mr. Leigh, because he had been unfavorable to the claims.

But the obligation of the United States may be inferred properly from the *declared justice* of the claims which had been renounced. On this point the authority is equally explicit.

Of course, in urging them upon France, earnestly and most assiduously, by successive plenipotentiaries, there was a plain adoption of them as just. But even after their abandonment they continued to be recognized as just.

Robert R. Livingston, plenipotentiary at Paris, in his correspondence with our government, shortly after the abandonment of the claims, shows his discontent. In one of his despatches he speaks compendiously of "the payment for illegal captures, with damages and indemnities on the one side, and the renewal of the treaties of 1778 on the other *as of equivalent value.*" And in another despatch, under date of January 13, 1802, he says "he has always considered the sacrifices we have made of immense claims *as a dead loss.*"—(*French Spoliations*, 1826, p. 704.) But this "dead loss" fell upon "individuals," and not upon the "nation."

Mr. Madison, as Secretary of State, in his instructions to Mr. Charles Pinckney, our minister to the court of Spain, under date of February 6, 1804, upholds the justice of the claims in pregnant words, as follows: (*Ibid.*, p. 795.)

"The claims from which France was released were *admitted by France*, and the release was for a *valuable consideration* in a correspondent release of the United States from certain claims on them."

Thus, according to this official declaration, the claims of American citizens were "admitted by France," but they were released for a *valuable consideration* which first inured to the benefit of the government of the United States. *Equitably that valuable consideration must belong to the claimants.*

Mr. Clay, as Secretary of State under John Quincy Adams, made a report, which had the sanction of the latter, in which he testifies to the justice of the claims in the following words: (*Ibid.*, p. 7.)

"The pretensions of the United States arose out of the spoliations under color of French authority in contravention to law and existing treaties. Those of France sprang from the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of the 16th November, 1788. Whatever obligations or indemnities from those sources either party had a right to demand were respectively waived and abandoned, *and the consideration which induced one party to renounce his pretensions was*

that of the renunciation by the other party of his pretensions. What was the value of the obligations and indemnities so reciprocally renounced can only be matter of speculation."

And Mr. Clay concludes his report by saying that the Senate, to which it is addressed, was the most competent to determine how far the appropriation of the indemnities due to American citizens was "a public use of private property, within the spirit of the Constitution, and whether equitable considerations do not require some compensation to be made to the claimants."

There is one other authority of commanding character in support of these claims that ought not to be forgotten. It is Edward Livingston, the jurist, statesman, and diplomatist, who, though not engaged in the negotiations on the subject, knew them as a contemporary, and afterwards as senator, and made a report, which has been accepted ever since as an authentic statement of the whole case, in which he says:

"The committee think it sufficiently shown that the claim for indemnities was surrendered *as an equivalent* for the discharge of the United States from its heavy national obligations, and for the damages that were due for their preceding non-performance of them. If so, can there be a doubt, independent of the constitutional provision, that the sufferers are entitled to indemnity? Under that provision *is not this right converted into one that we are under the most solemn obligations to satisfy?* To lessen the public expenditure is a great legislative duty; to lessen it at the expense of justice, public faith, and constitutional right, would be a crime. Conceiving that all these require that relief should be granted to the petitioners, they beg leave to bring in a bill for that purpose."

This list of authorities testifying to the character of these claims may be closed with that of the Emperor Napoleon, who, at St. Helena, dictated to Gourgaud the following summary with regard to the convention of 1800:

"The suppression of this article (2d of the convention) at once put an end to the privileges which France had possessed by the treaty of 1778, and *annulled the just claims which America might have made for injuries done in time of peace.* This was exactly what the First Consul had proposed to himself in fixing these two points *as equiponderating each other.*"—(*Gourgaud's Memoirs*, vol. 2, p. 129.)

Thus the head of the French government at the time of the convention unites with the statesmen of our own country in conceding the justice of these claims.

To all this array of argument and authority the committee can see no answer. They follow its teaching when they adopt the conclusion, in which so many previous committees have already united, that these individual claims were originally just, and that the government of the United States having appropriated them for a "national" purpose, has been substituted for France as the debtor.

OBJECTIONS.

Assuming, then, the obligation of the United States, the question now occurs, What sum ought to be applied by Congress to its liquidation? But before proceeding to this point, the committee will glance at what has been urged sometimes against this obligation, so far at least as they are aware of the objections.

Certain objections of a preliminary character have been already considered, but there are others which belong properly to this stage of the inquiry.

Curiously, the two main objections most often adduced answer each other flatly. It is sometimes insisted that the claims were invalid, by reason of the abnormal relations between France and the United States, anterior to the convention of 1800, pronounced to be a state of war; and then, again, it is sometimes insisted that these claims were provided for in the subsequent convention of 1803 for the purchase of Louisiana. But if the claims were really invalid, as has been argued, it is absurd to suppose that France would have provided for

them; and if they were really provided for, it is equally absurd to suppose that they were invalid. The two objections might be dismissed as equally unreasonable; but since they have been made to play a conspicuous part, especially in presidential vetoes, the committee will occupy a brief moment in considering them.

Other objections, founded on the later convention of 1831; on the act of Congress annulling the French treaties; on the early efforts of the United States to procure satisfaction from France, and on the alleged desperate character of the claims, will be considered in their order.

WAR DID NOT EXIST BETWEEN THE UNITED STATES AND FRANCE.

The assertion that the anomalous relations between France and the United States anterior to the convention of 1800 constituted a state of war so as to annul all pending claims, is inconsistent with, (1,) the facts of the case; (2,) the declarations of the two parties; and, (3,) the nature of the convention.

Before considering these several topics, it may be remarked that, even if there had been a state of war, it would not follow that all prior rights otherwise valid were annulled, so at least as not to be revived at the close of the war. Indeed, on at least one important occasion, the contrary has been held by our government in its negotiations with Great Britain. The provision relative to the fisheries, which appears in the treaty of 1783, was not noticed in the treaty of Ghent; and yet the United States did not hesitate to insist afterwards that, though interrupted by the war of 1812, it remained in full force after the termination of the war. It may be admitted, however, that claims which, after being made the open cause of war, have failed to be recognized in the treaty of peace, are obviously annulled; for the treaty is the settlement of pending controversies between the two powers. But the claims now in question were not made the open cause even of the anomalous relations between the United States and France, and they did not fail to have such recognition in the convention which terminated those relations, as to exclude all idea that they had been annulled by war, or any other antecedent facts. It is not necessary, however, to consider the effect of war; for it will be easy to establish that war did not exist.

(1.) The facts of the case are all inconsistent with war. There was no declaration of war on either side; and still further, throughout the whole duration of the troubles the tribunals of each country were open to citizens of the other, as in times of peace, so that a citizen of the United States was not an "alien enemy" in the courts of France, nor a Frenchman an "alien enemy" in the courts of the United States. This fact, which has been stated by Mr. Clayton in his masterly discussion of the question, is of itself most suggestive, if not conclusive.

It is true that diplomatic and commercial intercourse was suspended between the two powers; that each of them armed, and that force was employed on both sides. But this painful condition of things, though naturally causing great anxiety, did not constitute war. One power may, in its own discretion, suspend diplomatic and commercial intercourse with another; it may assume all the harness of war, and it may even use force in the way of retaliation, retortion, or reprisals; but all this falls short of war, *especially when public acts and declarations show that war was not intended*. Such a system of conduct tends to war, and, if continued, naturally ends in war. But it is not of itself that mighty transformation by which one nation, with all its people, is converted into the enemy of another nation, with all its people, so that every citizen of the one becomes the enemy of every citizen of the other, and all pending rights and contracts between them disappear, at least for a time.

If war be an extinguisher of claims, it is because, in theory, the claimant is supposed to have an opportunity to indemnify himself by seizing the property

of the enemy, wherever he can find it on the high seas, and thus to redress his losses. But no reprisals against France were authorized by the United States; no war on private property was permitted; so that the only principle on which war is an extinguisher of claims fails to apply.

But it is not even every act of war that constitutes war. The two parties will determine if war exists. To their public acts and mutual declarations we may repair for an interpretation of their conduct.

(2.) On the part of the United States the *declarations are explicit* that war did not exist, although it seemed imminent. Congress was convened in May, 1797, to deliberate on the threatening aspect of affairs, and adopted various measures of public defence, which were continued in 1798 and 1799; but in all this series of acts there is a constant and sedulous negation of the state of war. The act of May 28, 1798, after reciting that "armed vessels of France have committed depredations on the commerce of the United States, and have recently captured the vessels and property of citizens thereof on and near the coast," proceeds to authorize the seizure of any such armed vessel; but nothing is said of war. Another act, bearing date the same day, authorizes a provisional army, "*in the event of a declaration of war, or of actual invasion of their territory by a foreign power, or of imminent danger of such invasion discovered before the next session of Congress.*" The act of June 13, 1798, to continue in force only till the next session, and renewed July 16, 1799, for a limited term, suspended commercial relations between the two countries, under penalties of forfeiture; but such acts, however menacing, are absolutely inconsistent with an existing state of war, which of itself, without any additional act, suspends all commercial relations between the belligerent parties. The act of June 25, 1798, authorizes our merchant vessels "to subdue and capture any French armed vessel *from which an assault or other hostility shall be first made.*" The act of July 6, 1798, respecting alien enemies, begins with the words of limitation, "*Whenever there shall be a declared war between the United States and any foreign nation.*" The act of July 7, 1798, declares the treaties as no longer "legally obligatory;" but, if war existed, such an act at the time would have been superfluous. The act of July 16, 1798, authorizes an augmentation of the army "for and during the continuance of *the existing differences* between the United States and the French republic." The act of March 2, 1799, also authorizes an augmentation of the army "*in case war shall break out.*" Another act, passed the next day, provides that certain troops already authorized shall not be raised, "*unless war shall break out between the United States and some European prince, people, or state.*" And as late as February 10, 1800, while the negotiations were proceeding, another act was passed, providing that further enlistments should be suspended, "*unless, in the recess of Congress, and during the continuance of the existing differences between the United States and the French republic, war shall break out between the United States and the French republic.*" All these cumulative measures refer to war, not as actually existing, but only as a possible future contingency. Meanwhile there were "existing differences" only. And, finally, on the 14th of May, 1800, four months before the signature of the convention, and when the plenipotentiaries on each side were at a dead-lock, as has been already amply shown, another act was passed, authorizing the abandonment of the military preparations set on foot in contemplation of the contingency of war. Such is a synopsis of the testimony from congressional legislation on this point. And now, when it is considered that Congress alone, under the Constitution, has the power to declare war; that it never made any declaration of war against France, and that, throughout this whole period of trouble—in its whole series of acts—it expressly negated the fact of war, it is impossible to assert that, according to the understanding of our government, war actually existed. What Congress did, and what it failed to do, testify alike.

But the declarations of the Executive are as explicit as the declarations of Congress. In the instructions to our plenipotentiaries at Paris, under date of October 22, 1799, the Secretary of State, after reciting the spoliations of France says: "This conduct of the French republic would well have justified an immediate declaration of war on the part of the United States; *but desirous of maintaining peace*, and still willing to leave open the door of reconciliation with France, *the United States contented themselves with preparations for defence* and measures calculated to protect their commerce."—(*French Spoliations*, 1826, p. 561.) And these plenipotentiaries declared to the French plenipotentiaries, under date of April 16, 1800, that "the act of Congress, *far from contemplating a co-operation with the enemies of the republic*, did not even authorize reprisals upon merchantmen, but were restricted solely to giving safety to our own, till a moment should arrive when their sufferings could be heard and redressed."—(*Ibid.*, p. 583) Again, in the instructions to our minister in England, under date of September 20, 1800, the Secretary of State, who was none other than John Marshall, says: "The aggressions of one and sometimes of another belligerent power have forced us *to contemplate and to prepare for war as a probable event*."—(*Ibid.*, p. 452.) In the face of such declarations, who can say that war existed?

On the part of France the declarations are equally explicit. It is true that, on the 12th September, 1800, in conversation, the French plenipotentiaries let drop some fitful words to the effect that "if the question could be determined by an indifferent nation, such a tribunal would say that the present state of things was war on the side of America, and that no indemnities could be claimed."—(*Ibid.*, p. 633.) But the context shows that at that moment the plenipotentiaries were driven to every possible subterfuge in order to avoid the payment of these indemnities, and the whole suggestion is contrary to all the official admissions of the French government, both in the executive and legislative branches. Indeed, these very plenipotentiaries of France, in a formal communication to the American plenipotentiaries, under date of August 20, 1800, declared that "*the state of misunderstanding* which has existed for some time between France and the United States, by the acts of some agents rather than the will of the respective governments, *has not been a state of war, at least on the side of France*."—(*Ibid.*, p. 616.) But we have already seen that it was not on the side of the United States. And these same plenipotentiaries, under date of December 12, 1801, contented themselves with characterizing the relations of the two powers at this period as "*almost hostile*."—(*Ibid.*, p. 559.) Already, at an earlier day, Talleyrand, as minister of foreign relations, had written, under date of August 28, 1798: "France has a double motive, as a nation and as a republic, not to expose to any hazard the present existence of the United States. Therefore, it never thought of making war against them; and *every contrary supposition is an insult to common sense*."—(*Ibid.*, p. 649.) When the convention, in its final form, was laid before the legislative assembly of France, one of the French plenipotentiaries charged with its vindication announced in a speech, November 26, 1801, that "it had terminated *the misunderstanding* between France and America," which, he said, had become such "that the reconciliation should be hastened if it was desired that it *should not become very difficult*." A report was also made to the legislative assembly by M. Adet, formerly French minister to the United States, in which it is declared: "*There had not been any declaration of war*. Commissions granted by the President to attack the armed vessels of France are not to be regarded as a declaration of war. The will of the President does not suffice to put America in a state of war. It requires a positive declaration of Congress to this effect. *None has ever existed*."—(*Code Diplomatique, par Portiez*, tom. 1, p. 39–57.) And these legislative documents, so positive in character, are introduced by the learned editor in words which fitly characterize the international relations to which they refer, when he says

that "they exhibit the causes which *ruffled the harmony* of the two States." True enough. The harmony of the two States was ruffled, but war did not exist.

3. The terms of the convention, and the final conditions of ratification, also, exclude the idea of war. Although beginning with a declaration that "there shall be a firm, inviolable, and universal peace," borrowed, in its precise words, from Mr. Jay's treaty with Great Britain, the convention of 1800 did not purport to be a treaty of peace; nor, indeed, as first executed, did it pretend to settle the questions between the two powers, except by postponing them to "a convenient time." A war annulling claims could not be treated in this way. But the American Senate testified likewise, when it limited the duration of the convention to eight years, which, had war previously existed, would have turned the convention into a truce. And the First Consul testified likewise, when he added his far-reaching proviso, for which, of course, there would have been no occasion if the claims of American citizens had been annulled by war; and again he testified, in his words at St. Helena, where he speaks of this convention as having "annulled the *just claims* which America might have made for *injuries done in time of peace*."

Thus falls to the ground that objection so often urged, founded on the alleged existence of war. Strange that an objection so utterly untenable should have gained a single supporter! But there is one remark which belongs to the close of this head. Even if France had insisted that war existed, yet the United States constantly denied it at the time, both by legislative and executive acts, so that our government is obviously estopped against its recognition, even if it fails to feel the indecency of adopting such an excuse for a further denial of justice.

THESE CLAIMS NOT EMBRACED IN THE LOUISIANA CONVENTION.

The objection that these claims were provided for in the convention of 1803, for the purchase of Louisiana, is equally untenable. It is difficult to understand how such an objection was ever made; but the history of this question shows the strange shifts of opposition, especially when without any restraint from a knowledge of the subject. The most superficial glance at the two conventions shows that they related to two different classes of claims. Those abandoned in 1800 were on account of spoliations, and were in the nature of "torts." Those protected in 1803 were "debts." When it is considered how steadfastly the French plenipotentiaries opposed the recognition of the claim for "torts" in 1800, and how the First Consul, by his positive proviso, required their renunciation, it is obviously unreasonable to assume that in 1803 they were formally recognized. And this assumption becomes still more unreasonable, when it is understood that it was only at a comparatively recent period that the idea was first broached; that it was without support in the documentary history of the convention, or in any contemporary opinion; that it escaped the attention of the board of commissioners appointed under the convention, as it escaped the attention of successive Secretaries of State, and also of committees of Congress, reporting on the subject, until thus tardily it was brought forward as a last resort of opposition.

The convention of 1800, which sacrificed the claim for "torts," kept alive certain pending claims for "debts," in the following words:

"ART. V. The *debts contracted* by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, *shall be paid*, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states. *But this clause shall not extend to indemnities claimed on account of captures or confiscation.*"—(*Statutes at Large*, vol. 8, p. 180.)

It will be observed how carefully the claims for spoliation were excluded from the benefit of this provision, which is limited positively to "debts." Though apparently plain, the French government found difficulties in the way of its execution. Vexatious delays were interposed, and "debts" were treated little better than "claims," so that our minister at Paris, Robert R. Livingston, felt obliged to write to the French government, under date of March 25, 1802: "The 5th article of the treaty says, expressly, they shall be paid; but justice and good faith say it, independent of the treaty. Yet they remain unsatisfied; nor is the most distant hope as yet afforded them of when or how they will be paid."—(*French Spoliations, Ex. Doc.*, 1826, p. 714.) Such was the spirit of other correspondence. At last, by one and the same transaction, Louisiana was purchased, and these "debts" were provided for. The plenipotentiaries of the United States, Mr. Livingston and Mr. Monroe—the latter sent to France a second time—undertook to pay eighty millions of francs for the purchase, of which sixty millions were for France, and the remaining twenty millions to be applied to the payment of the "debts" secured by the convention of 1800; and these terms were embodied in a treaty and two associate conventions of the same date.

The treaty contained the terms of cession. One of the conventions regulated the terms of purchase, and the other provided that "*the debts* due by France to citizens of the United States, *contracted before 30th September, 1800*, shall be paid" according to certain regulations. It will be observed that these words descriptive of the "debts" are not unlike those employed in the 5th article of the convention of 30th September, 1800.

The new convention regulating the payment of the "debts" begins with a preamble, setting forth the desires of the President of the United States and the First Consul, *in compliance with the second and fifth articles* of the convention of 30th September, 1800, to secure the payment of the sum due by France to the citizens of the United States. From the association of these two articles, some have hastily inferred that the purpose was to revive the "claims" abandoned in the famous second article. But such a revival, instead of being "in compliance" with that article, or, according to the corresponding French words of the convention, *en execution* of that article, would be in direct contradiction of it. The allusion to the second article of the convention of 1800 is obviously in order to carry into the Louisiana convention the original exclusion of the spoliation "claims." If any doubt could arise on the allusion to the second article, taken by itself, it would disappear when we consider that the fifth article is both *inclusive* and *exclusive*. It includes "debts contracted," which are to be paid, and it excludes "indemnities claimed on account of captures or confiscations," which are not to be paid. Thus the language of the preamble is justified, and the convention is *in compliance* with both the second and the fifth articles of the original convention.

But if we examine the Louisiana convention carefully, we shall find that "debts" alone are provided for. The first article, as we have already seen, declares "*the debts* due by France to the citizens of the United States, contracted before the 30th September, shall be paid according to the following regulations." The second article describes "*the debts* provided for in the preceding article" as comprised in a conjectural note. The third article declares how "*the said debts shall be discharged by the United States.*" The fourth article more specifically defines *the debts* as follows: "It is hereby expressly agreed that the preceding articles shall comprehend *no debts* but such as are due to citizens of the United States who have been and are yet creditors of France, for *supplies*, for *embargoes and prizes made at sea*, in which the appeal has been properly lodged within the time mentioned in the convention of 30th September, 1800." The fifth article explains further the prizes intended in the last article, as follows: "The preceding shall apply only, 1st, to captures of which the council

of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the government of the United States otherwise than he might have had to the government of the French republic, and only in case of the insufficiency of captors; 2d, *the debts* mentioned in the said fifth article of the convention of 1800, the payment of which has been heretofore claimed of the actual government of France, and for which creditors have a right to the protection of the United States. *The said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed.*" Under the *first* head, the class of captures is here defined. It was those only where the council of prizes had ordered restitution, being captures not warranted by the laws of France. Such cases were included among "debts" because the decree of the council of prizes ordering restitution instantly created, on the part of the owner, a claim on the captor for the property or its value; and where the captor was "insufficient," the government assumed the debt. *And this is the only class of captures provided for in the Louisiana convention.* Under the *second* head is specified "*the debts* mentioned in the fifth article," with an express declaration that it "does not comprehend prizes whose condemnation has been or shall be confirmed." Thus in every article and at every stage the spoliation claims were excluded from the benefit of the Louisiana convention.

And such was the contemporary conclusion of our minister at Paris, Mr. Livingston, who, in his letter to the French government of April 7, 1802, said: "The fifth article expressly stipulates that *all debts* due by either government to the individuals of the other shall be paid. But as this would also have included the *indemnities for captures and condemnations previously made*, and it was the intention of the contracting parties, by the second article, to *preclude* this payment as depending on a future negotiation, *it was necessary to except from this promise of payment all that made the subject of the second article*; and that as to the payment of indemnities for embargoes in consequence of the cargoes being put in requisition, or with a view to any other political measure which carried with it nothing hostile to the United States, no controversy ever arose between the plenipotentiaries of the two nations."—(*French Spoliations, Ex. Doc.*, 1826, p. 717.)

Surely this objection may be dismissed.

THESE CLAIMS NOT EMBRACED IN THE CONVENTION OF 1831 WITH FRANCE.

(3.) Another objection kindred to the last has been started, also in kindred ignorance. It is said that these claims were embraced in the later convention of 1831 with France, under Louis Philippe. No mistake can be greater.

That convention opens with these words: "The French government, *in order to liberate itself completely from all the reclamations preferred against it by citizens of the United States* for unlawful seizures, captures, sequestrations, confiscations, or destructions of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the government of the United States, who shall distribute it *among those entitled*, in the manner and according to the rules which it shall determine."—(*Statutes at Large*, vol. 8, p. 430.)

This provision must be interpreted in the light of preceding treaties, especially of that which had occupied so much attention. They are all *in pari materia*, and therefore, according to a familiar rule of jurisprudence, must be taken together. But the convention of 1800, by the proviso of the First Consul, added at its ratification, *liberated France completely* from all liability for the claims now in question, so that they ceased to be valid against her. Therefore, these claimants could not be "*among those entitled*" under the later convention. And this interpretation is confirmed by the judgment of the French government, and also by the judgment of our own commissioners under the convention. Mr. Rives, our minister at Paris, writing to Mr. Van Buren, the Secretary of State

at the time, under date of February 18, 1831, says: "From what I have been able to learn of——'s report, it is favorable throughout to the principle of our claims. It excludes, however, the claims of American citizens in the nature of debt, or of supplies, as being alien to the general scope of the controversy between the two governments. And also *American claims of every description originating previous to the date of the Louisiana arrangement, in 1803, which has been invariably alleged by this government to be in full satisfaction of all claims then existing.*"—(*Ex. Doc.*, 22d Congress, 2d session, No. 147, p. 165.)

Our own commissioners, sitting at Washington, reported to the Secretary of State, under date of December 30, 1835, that they had required every person seeking to entitle himself under the convention, to show that his "claim remained unimpaired and in full force against France at the date of the convention of 1831."—(*Ex. Doc.* 117, *H. of Reps.*, 24th Congress, 1st session, p. 4.) But the claims now in question did not come within this category. Clearly, they were not "unimpaired and in full force against France."

All this is apparent on the face; but it was demonstrated by the action of the commissioners. The experiment was made, with regard to captures prior to the convention of 1800, and no less than one hundred and five cases were submitted to the board. But they were all rejected. The first rejections, in point of time, were July 11, 1833, in two different cases, when we have the following entry: "Caroline, captured February 10, 1798—rejected; *the vessel having been captured before the 30th September, 1800.*" A similar entry was made on the same day in the case of the "Orlando," captured March 1, 1800. In the larger part of the cases that followed, the entry was simply "rejected," without any addition. But it is obvious that the principle was decided in those two earliest cases. The indemnities allowed by the commissioners were mainly for captures under the decrees of Berlin, Milan, Rambouillet, and Trianon—that succession of sweeping edicts by which Napoleon at the height of his power enforced his continental system. There were also four awards for captures after the signature of the convention of 1800, and before its ratification. As such cases, occurring during this intermediate period, were plainly saved from the renunciation of the convention of 1800, (article 4,) and yet were not deemed to be included in the convention of 1803, they came naturally within the scope of the convention of 1831. But the claims now in question had no such advantage. Renounced in 1800, they were not adopted in 1831. But ceasing to be claims upon France, they have become claims upon the United States.

THESE CLAIMS NOT AFFECTED BY THE ACT OF CONGRESS ANNULING THE FRENCH TREATIES.

(4.) Then it is said that the French treaties were annulled by act of Congress, so as to render the set-off and mutual release a mere form, and nothing else. But this objection proceeds on an ignorance of the question.

It is true that the United States, by an act of Congress of July 7, 1798, declared "the treaties heretofore concluded with France *no longer obligatory.*"—(*Statutes at Large*, vol. 1, p. 578.) But the question still remained, What was the effect of this act? It did not purport to be retrospective, so that all the obligations under the treaties that had accrued at that date were fixed, whether on the part of the United States or on the part of France. Therefore France, besides her constant liability under the law of nations, was liable also under the treaties for all depredations anterior to this date, and the United States were liable for all non-performance of obligations anterior to this date. And assuming that the treaties were annulled, it is evident that the claims of each under them, anterior to this date, were not in any way affected, so that there was still, even under the treaties, an occasion for set-off and mutual release.

The depredations upon the commerce of the United States were not merely

in violation of ancient treaties, but also of the law of nations, so that even if the treaties were annulled, yet the obligations under the law of nations would remain. Our plenipotentiaries were instructed to obtain compensation for illegal captures and condemnations contrary to the law of nations generally received in Europe, or to stipulations of treaty, so long as the latter "remained in force." On the other hand, as the treaties "remained in force" until July 7, 1798, our country was unquestionably liable to France for indemnities to that day. Before that day the West Indies Islands had been lost. Before that day we had excluded French privateers and their prizes from our ports. All proper damages for these things must have entered into the account of France against us. Therefore the annulling act of Congress could only affect the *quantum* of consideration on both sides at the occasion of set-off and mutual release, and not the fact of consideration.

But it is more than doubtful if the annulling act could have the effect attributed to it. Can it be in the power of one of two parties to render a contract void by a mere declaration to that effect? In a case between two individuals this could not be done. Could it be done in the case between two nations? Mr. Jefferson thought not. At least there is a report from him on another occasion which completely covers this case. These are his words: "It is desirable in many instances to exchange mutual advantages by legislative acts rather than by treaty; because the powers, though understood to be in consideration of each other, and, therefore, greatly respected, yet, when they become too inconvenient, can be dropped at the will of either party; *whereas stipulations by treaty are forever irrevocable but by joint consent, let a change of circumstances render them ever so burdensome.*"—(*Wait's State Papers*, vol. 10, p. 73.) Chief Justice Marshall has also quoted another opinion where a treaty was declared to be not only the law of the land, but a law of a superior order, "because it not only repeals past laws, *but cannot itself be repealed by future ones.*"—(*Marshall's Life of Washington*, vol. 5, p. 274, note 2, Appendix) Such authority would seem to be sufficient to settle this question, especially re-enforced as it doubtless is by the law of nations; for it must not be forgotten that the obligation of treaties is determined by international law rather than by municipal law.

But even supposing that the act of Congress succeeded in annulling the treaties, its effect, as regards France, was not so much to discharge her claims as to make them perfect. In plain terms, it was a final determination on our part not to fulfil the treaties. Perhaps the circumstances of the time rendered it necessary; but your committee cannot fail to observe, that, according to all principles of justice, and the established usage of nations, this very determination consummated the right of France to the indemnities which she had claimed for non-observance of the treaties. There was no longer any pretence on our part of any fulfilment of the treaties, so that this very act of Congress, which is cited to excuse us, may more properly be cited to condemn us.

Whatever may be the law of this case, even assuming that, according to good opinions, the treaties were annulled on the 7th July, 1798, it is perfectly clear that the negotiation of 1800 they were treated by France as obligatory. It was on these that she founded her counter-claims. The narrative which has been already presented shows her persistency in this behalf. As often as our claims were urged, her counter-claims were presented in reply. But why did our plenipotentiaries press the renunciation of the treaties on the part of France if the act of Congress had already annulled them? Why, further, did they offer a large sum of money for a release from their obligations? Whatever may have been the effect of the annulling act in the judgment of the American plenipotentiaries, it is clear that they regarded the treaties as a cloud which they wished to remove. And it is equally clear that the French plenipotentiaries maintained the obligations of the treaties to the last. Indeed, the in-

structions of the First Consul, before he entered upon his Italian campaign, were to make "the acknowledgment of former treaties the basis of negotiation and the condition of compensation."—(*French Spoliations, Ex. Doc.*, 1826, p. 609.) And it was the finality of these instructions which at the time caused the *dead-lock* which has been already described. Thus, on the part of the United States, the obligation of the treaties was denied subsequent to July 7, 1798, while on the part of France it was affirmed as an indispensable condition down to the negotiation.

Therefore, on the part of the United States, there were claims under the treaties anterior to July 7, 1798, and also under the law of nations generally. On the part of France there were counter-claims under the treaties down to the negotiation. Each side was persistent. Neither would yield. The time for compromise had arrived. Then came the *set-off and mutual release*. The transaction was between two nations, but it was identical in character with transactions which often occur between two individuals.

EARLY PERSISTENCY TO SECURE INDEMNITIES FROM FRANCE NO GROUND OF EXEMPTION FROM PRESENT LIABILITY.

(5.) But the persistent efforts of our government, anterior to the convention of 1800, are sometimes set up as a sufficient reason for present indifference. This, also, is a mistake.

It is true that our government exerted itself much. Considering its comparative immaturity at the time, it deserves credit for the courage and determination with which it labored. But it must not be forgotten that, in all that it did, even for the recovery of indemnities, it acted under the duties and instincts of national defence. Our commerce had been despoiled to the detriment of American citizens. But this grievance, which went on assuming larger proportions, proceeded directly from the *hostile spirit* of France, on account of an alleged infraction of national obligations on our part, so that behind the question of indemnities rose always the question of self-defence. France made reprisals because the United States had refused compliance with solemn treaties, and, as is usual in such cases, individual citizens were the sufferers. In defending the interests of these individual citizens at the time, the country itself was defended. To have abandoned these interests—especially without securing an abandonment of French pretensions—would have been an abandonment of the country, leaving it the dishonored victim of untold exactions without end. If this be correct—and your committee do not see how it can be controverted—there can be no boast of extraordinary efforts in the original support of these indemnities. All these efforts, whatever form they assumed in successive remonstrances and negotiations, were in the performance of a patriotic duty, as simple as the filial devotion of Cordelia, which was "according to her bond—nor more, nor less."

And now the fidelity of that early day, when duty was done, is the apology for infidelity to-day, when duty is left undone; and those patriotic efforts are vouched as a title to present exemption. Because the government was zealous for indemnities, when France was responsible, *argal* it may be indifferent now, when the United States are substituted for France. Or has it come to this: that it is right to be zealous in pressing a foreign government, but not right to be zealous against ourselves, *when substituted for that foreign government*, as in the present case? But, beyond the misconception of public duty which is apparent in this whole pretence, it proceeds on a forgetfulness of the true state of the question. And here we are brought again to the precise character of the convention of 1800, when both claims and counter-claims were adjusted. If the claims on our side had been deliberately rejected, or if our government had been compelled to withdraw, as in a case of nonsuit, the case might have been otherwise. But there was no rejection of the claims, and no nonsuit of our govern-

ment; but, as has been so fully shown, a *set-off and mutual release* by which each party accorded to its adversary just as much as it claimed for itself. So far as the two governments were concerned, claims and counter-claims were extinguished, and neither could look to the other; but it did not follow that the American citizens, whose "individual" claims on France had been appropriated to extinguish "national" obligations, were cut off from appeal to their own government. On the contrary, the very zeal which had been expressed for these claimants while they looked to France is still due in their behalf, now they have been compelled, by the action of their own government, to look to their country.

It is sometimes said in sarcasm that it is easy to be generous at the expense of another; but in this case, now that this responsibility has been transferred to our own country, it is not a question of generosity, but of debt. The property of these claimants is actually in the hands of our government, like assets paid over and deposited "for whomsoever it may concern;" or, to use a more pungent illustration, it is like certain property to which there can be no valid title against the original owner. *Stolen goods*, for instance, may be followed wherever they can be found. But the vessels of these claimants were stolen by France, and at last they are found in the hands of our own government. Will the government undertake to hold them against the real owners? For nearly ten years it denounced the conduct of France as an unpardonable outrage. How, then, can it profit by this conduct, especially at the expense of its own citizens? If the receiver is as bad as the original offender, how, then, can the government expect to escape that indignant condemnation which it bestowed upon France? Least of all, how can any early persistency to recover this property from France excuse the government for detaining it now?

THESE CLAIMS NEVER DESPERATE, SO AS TO BE OF NO VALUE.

(6.) Kindred to the last objection is the assertion that the claims were intrinsically desperate, so as to be of no value; an objection which is as humiliating as false.

It is humiliating, because it assumes that claims which had been solemnly declared to be just, both by the executive and legislative branches of government—the former by successive acts of diplomacy, and the latter by successive acts of Congress—were of "no value." If this were true, then was our government, when it sued these claims, guilty of a shameful act of national *barratry*, for which it would deserve to be thrown over the bar of nations. It was a stirrer of false suits. Such an imputation is an impeachment of the national character which must be scorned.

But it is false also. The claims were never "desperate," except so far as they were doomed to meet the counter-claims of France. On the contrary, they were intrinsically just, and their justice was often admitted even by France, who advanced against them her own pretensions, under the treaties. And when the *set-off and mutual release* occurred, the validity of these claims was solemnly recognized; nay more, they were paid to the United States. But such is the inconsistency of objectors, that they insist that claims thus recognized and paid were so far "desperate" as to be of "no value," when it is clear that they were of sufficient value to form the vast consideration of a release from immeasurable national obligations. If you would find a measure of value for the American claims at that time, you must look to the counter-claims of France, not forgetting that all the vehemence with which these were sustained testifies unmistakably to the claims now in question.

If we may judge from our national history, there is no reason to doubt that these claims, if they had not been released by our government, would have been fully satisfied by France afterwards. It is in the nature of claims on foreign

powers to seem desperate. Such was the case, as is well remembered, with the claims on Denmark, Spain, and Naples; but all these have been paid. *No just claim made by the American government can be desperate.* What claims could seem more desperate than those accruing under the arbitrary, wide-spreading edicts of Napoleon Bonaparte in his pride of place? But President Jackson, when Louis Philippe had become King, made an appeal, as he expresses it in his message, "to the justice and magnanimity of regenerated France," (*Message, December 7, 1830;*) and even these claims, accruing under a government which had ceased to exist, were satisfied. But the claims now in question had as much intrinsic equity, and they were more intimately associated with the national sentiments. In asserting that they would have been paid, the committee are sustained not only by the reason of the case, but by the judgment of the disinterested historian of our country, who concludes his account of the convention of 1800, and its final ratification with the proviso of the First Consul, in these words:

"Had the treaty been ratified in its original shape, the sufferers by the spoliations of the French *might, perhaps, before now, have obtained that indemnity from the French government which they have ever since been asking from their own, but which has hitherto been unjustly withheld.*"—(*Hildreth's History of the United States*, 2d series, vol. 2, p. 400.)

There is no statute of limitations between nations, so that these claims would have been as valid against France in 1831 as they unquestionably were in 1800. A nation like the United States has only "to bide its time," and the day of justice will surely come. Indeed, President Jackson, when dwelling on the negotiation with France in 1831, bore his testimony to the vitality of American claims on foreign powers when he said that the new convention would be an "encouragement for perseverance in the demands of justice by a new proof that, if steadily pursued, they will be listened to, and an admonition will be offered to those powers, if any, which may be inclined to evade them, *that they will never be abandoned.*"—(*Message of December 6, 1831.*) But these words of Andrew Jackson are a sufficient answer to the present objection.

ALL OBJECTIONS ANSWERED.

Such are the objections to the assumption of these claims by the United States. The committee believe that they have all been answered, so that the claims stand above impeachment or question, as a debt to be liquidated and paid. It only remains to consider what sum should be appropriated for this purpose.

JUST COMPENSATION.

The "just compensation" to be paid by the United States may be regarded, according to Mr. Edward Livingston, in his classical report on this subject, in two lights: *first*, the value of the advantages accruing to the United States at the expense of these claimants; and, *secondly*, the actual loss sustained by these claimants. Neither, however, will be proposed as an absolute measure on the present occasion. But a glance at each will enable us to arrive, by approximation, at a proper result.

VALUE OF ADVANTAGES SECURED TO THE UNITED STATES.

1. It is impossible to estimate in money the advantages accruing to the United States. Beyond the great boon of assured peace, under which our commerce, no longer exposed to spoliation, at once put forth more than its original life, two specific objects were gained: *first*, an exemption from all outstanding engagements and liabilities of every nature under the early treaties with France; and, *secondly*, the establishment of a new convention, which, while rejecting much-debated claims and counter-claims, provided positive advantages to the

United States, among which was that payment of "debts" subsequently assured by the Louisiana convention.

If the United States could be held responsible to France for the treasure lavished for our national independence, in pursuance of these original treaties, there would be an item of fourteen hundred and forty millions of francs, or about two hundred and eighty millions of dollars. Of course, the brave lives sacrificed in our cause cannot be estimated in any account; but France did not forget them. Even amidst the congratulations at Morfortaine, in honor of the convention, the First Consul reminded the joyous company of the sacrifice. Beyond the toast which he proposed, in honor of those who fell in battle for the independence of the New World, there is no record of what the successful general of France said on that occasion; but old Homer, in one of his most touching passages, had already spoken for him:

"Life is not to be bought with heaps of gold;
Nor all Apollo's Pythian treasures hold,
Or Troy once held in peace and pride of sway,
Can bribe the poor possession of a day.
Lost herds and treasures we by arms regain,
And steeds unrivalled on the dusty plain;
But from our lips the vital spirit fled
Returns no more to wake the silent dead."

Under the sod in America, and under the waves of the Atlantic, Frenchmen were sleeping whose lives had been given to the support of our cause. If France did not forget them at the celebration of that convention, let it be spoken in her honor; but we cannot forget them as we try to state the great account between our two countries. Their swords, if flung into the scales, would symbolize the counter-claims of France.

But how shall we estimate the value of a release from the "guarantee," retrospectively and prospectively, as well on account of past failures as future liabilities? It is true that it was often urged that the "guarantee" bound the United States to the support of France only in the event of a *defensive war*, and that the war in which she had been engaged was not of this character. But it is more than doubtful if either of these propositions can be maintained. The "guarantee" on its face has no limitation to defensive war. And even if it had such a limitation, who will venture to say that the war in which France drove back her multitudinous assailants, re-enforced by the navies of England, was not defensive? If France did not at once require the execution of the "guarantee," it was none the less a vital obligation.

That our government appreciated the embarrassments, if not the obligations, which the "guarantee" entailed, has already been plainly shown by the committee. But there are certain words which may be fitly quoted again. In the instructions of our Secretary of State to the first triumvirate of plenipotentiaries at Paris, under date of July 15, 1797, it is admitted that "our guarantee of the possessions of France in America will perpetually expose us to the risk and expense of war, or to disputes and questions concerning our national faith."—(*French Spoliations, Ex. Doc.*, 1826, p. 45.) On this account our plenipotentiaries were instructed to obtain a release from it, and they were authorized "on the part of the United States, instead of troops or ships-of-war, to stipulate for a moderate sum of money or quantity of provisions, at the option of France, not to exceed two hundred thousand dollars a year." This was moderate; but it was a recognition of the value of the guarantee. But the next triumvirate of plenipotentiaries, at the negotiation of 1800, offered more. They proposed to buy out the guarantee by a payment of five millions of francs, or one million of dollars. It is needless to say that both these offers were rejected.

It would be as difficult to measure in money the value of that guarantee, retrospectively and prospectively, as to measure in money the amount of our obli-

gations to France in the assurance of national independence. The liabilities for a failure of performance prior to 1800, if pressed, would not have been inconsiderable. But had the guarantee been allowed to continue so as to constrain the United States throughout the long war that followed, ending at Waterloo, what arithmetic can calculate the damages that would have ensued to us? Nay, more; if, at the present moment, any such guarantee bound us to France, who would not feel that it was an obligation from which we must be released at any price short of national honor?

But, besides the obligations of "guarantee," there were other engagements which had already proved most onerous, with regard to French armed ships in our ports. Here, also, there was an alleged failure of performance on our part; and there was also the prospect of infinite embarrassment, if not of open war, unless these obligations were promptly cancelled. To keep them would cause collision with England; not to keep them would cause collision with France. Our plenipotentiaries offered, in the negotiation of 1800, three millions of francs for the release from these obligations. But this moderate offer was rejected also.

France continued stubborn, insisting upon the recognition of the ancient treaties, with all consequent indemnities. At last, by the propositions of the 5th September, 1800, already exhibited by your committee, a measure of value was affixed to our engagements and liabilities. France undertook to release us from all these on condition that we would pay the indemnities due to our citizens, thus treating claims and counter-claims as equivalent in value. It was required positively that "the indemnities which shall be due by France to the citizens of the United States *shall be paid for by the United States.*"—(*French Spoliations, Ex. Doc., 1825, p. 630.*) In other words, in consideration of a release from the treaties, the United States were to assume the obligations of France to American claimants. How this proposition, rejected at first, eventually prevailed in the convention, and its successive amendments, has been already explained. But it is now mentioned only as evidence of the value of these engagements and liabilities from which we were released.

THE ACTUAL LOSSES OF THE CLAIMANTS.

2. But the practical question remains, what were the actual losses of the claimants? Here the evidence is precise and full.

Our own government has already, when pressing these claims upon France, given an official estimate of their value. On one occasion it put them at fifteen millions of dollars.—(*Wait's American State Papers, vol. 3, p. 497.*) On another occasion it puts them at twenty millions of dollars. The latter estimate will be found in a report from the Secretary of State to Congress, under date of January 18, 1799, where it speaks of "unjust and cruel depredations on American commerce, which have brought distress on multitudes and ruin on many of our citizens, and occasioned a *total loss of property to the United States of probably more than twenty millions of dollars.*"—(*French Spoliations, Ex. Doc., 1826, p. 480.*) Inquiry into the losses confirms this statement. From the evidence which has been presented to committees in former years, and which now belongs to history, it appears that there were *eight hundred and ninety-eight vessels* included in the claims which were released to France. This will be apparent from an examination of certain details.

The American vessels despoiled by France between 1792, the outbreak of the European war, and July 31, 1801, when the convention of 1800, with its proviso, was ratified by Napoleon Bonaparte, amount to two thousand and ninety, embracing as follows: First, vessels captured by the French; secondly, vessels captured by the French and Spaniards conjointly; thirdly, vessels detained by embargo at Bordeaux. The following list shows how the account now stands:

List of vessels in different classes despoiled by France.

Whole number	2, 290
From which deduct as follows :	
1. Vessels paid for by special decrees of France.....	14
2. Vessels paid for under the convention of 1803, viz.:	
For embargoes.....	103
For contracts.....	270
For prizes, under restoration.....	6
	— 379
3. Vessels rejected under convention of 1803 for contracts on supplies.....	102
Vessels under restitution, and rejected.....	26
	— 128
4. Vessels paid for by Spain under the Florida treaty of 1819..	173
5. Vessels rejected under the Florida treaty.....	191
6. Vessels paid for under convention with France of July 4, 1831, being for captures between the signing and ratification of the convention of 1800.....	4
7. Vessels rejected for want of merit, neglect of claimants, loss of proof, and other contingencies, say.....	503
	— 1, 392
	— 898
	—

Thus we are brought again to the *eight hundred and ninety-eight vessels* which were bartered to France.

In order to arrive at the value of these vessels, the committee have been driven to look at the value affixed to vessels under the conventions with other powers for the payment of similar claims. Here is a list allowed by different powers, with the average of each vessel:

	Vessels.	Averages.
Great Britain.....	217	\$47, 672 81
Spain.....	40	8, 136 49
France.....	357	10, 504 20
Spain.....	320	15, 625 00
Denmark.....	112	5, 981 17
France.....	361	12, 984 71
Naples.....	51	37, 745 00
Spain.....	20	30, 000 00
Mexico.....	64	31, 658 43
Colombia.....	5	11, 474 53
	—	—
	1, 547	221, 788 34
	—	—

It appears from this list that Mexico has paid as high an average as \$31,000 for each vessel ; Naples, \$37,000 ; and Great Britain, \$47,000. But the general average is \$14,336.

If the vessels despoiled by France were estimated according to the highest averages, especially according to the average of the vessels despoiled contemporaneously by Great Britain, the sum total of value would swell to a large amount. But, adopting the general average of the whole list, the *eight hundred and ninety-eight* vessels amounted in value to \$12,572,000.

This estimate, which at first view may seem inconsistent with the statement of our government in 1799, fixing the losses at twenty millions, is substantially sustained by this statement, even putting the value of the vessels at an

average of \$14,000 ; for the list of vessels despoiled by France shows that there were certain classes which may properly be deducted. Here is the estimate, with the deductions :

Original estimate of 1799	\$20, 000, 000
Deduct therefrom—	
1. Vessels paid for by France, 52 cases, at \$14,000 ..	\$728, 000
2. Debts paid under convention of 1803	3, 750, 000
3. French spoliations paid for under treaty with Spain of 1819	2, 845, 619
	7, 323, 619
Sum total, after deductions	12, 676, 380

If to this estimate interest be added, even at the smallest rate, the losses of these sufferers will assume much larger proportions. More than sixty years have run their course since the United States by a public act and for a valuable consideration, became the debtor of these claimants. From the beginning the country has enjoyed without price all the “national” benefits originally secured at their expense, as a part of the national capital with its bountiful income, while these claimants have been shut out from all use of their property, and all profit therefrom. If interest be due on any national debt, it is difficult to see why it is not due here. But the committee refer to this consideration only as a way of exhibiting more clearly the real losses of these claimants.

RECOMMENDATIONS OF THE COMMITTEE.

3. The committee, impressed by the original justice of these claims and the present obligation of the United States, do not hesitate to recommend their liquidation and payment at an early day, as they would recommend the discharge of a national debt. But, while setting forth the unanswerable evidence of their value, they content themselves with adopting the recommendation made many years ago, and repeated by successive committees of both houses of Congress, limiting the appropriation to a sum not exceeding five millions of dollars, to be distributed by a board of commissioners *pro rata* among the claimants, according to the provisions of the bill which is reported herewith. The proposed limitation is a departure from strict justice, but it is a part of the additional sacrifice which seems to have been expected by Congress from these long suffering claimants.

In deference to the Secretary of the Treasury, who, when consulted on the subject, objected to the creation of a stock for this special purpose, as has been provided in former bills, it is now simply proposed that the money shall be paid whenever Congress shall make an appropriation therefor.

By positive description the bill is made to cover claims for illegal captures and condemnations prior to July 31, 1801, the date of the final ratification of the convention. But, by positive words of exclusion, it is provided that the bill shall not cover claims originally embraced in the Louisiana convention of 1803 ; in the treaty with Spain of 22d February, 1819 ; or in the convention with France of July 4, 1831 ; so that, in point of fact, the bill is carefully limited to those original claims, which, after being postponed by the second article of the convention of 1800, were, at its final ratification, definitively renounced by the United States, in consideration of equivalent renunciations from France.

CONCLUSION.

The committee have now finished the review which, in the discharge of public service, they have been called to make. Approaching a much-vexed question

without prejudice, they have striven to consider it with candor, in the hope of ascertaining and exhibiting the requirements of duty. The conclusion which they have been led to adopt, in harmony with so many previous committees of both houses of Congress, and also with Congress itself, which has twice enacted a law for the satisfaction of these claims, is now submitted to the judgment of the Senate.

How the committee have reached this conclusion will be seen by a final glance at the field which has been traversed. Putting aside the three preliminary objections to these claims, (1,) that they are ancient and stale; (2,) that they have passed into the hands of speculators; and (3,) that they should be postponed on account of the present condition of public affairs, the committee have next considered in order four principal topics: *First*, the claims of citizens of the United States on France, as they appear in the history of the times; *secondly*, the counter-claims of France, as they, too, appear in the history of the times; *thirdly*, how the "individual" claims of citizens of the United States were sacrificed to procure a release of the "national" claims of France by a proceeding in the nature of *set-off* and *mutual release*; and *fourthly*, how the United States, for a valuable consideration, *assumed* the obligations of France, so as to become completely responsible therefor. But not content with showing affirmatively the merits of the claimants, the committee next examined carefully all the known objections to the asserted responsibility of the United States, establishing negatively: (1,) that the relations between France and the United States were at no time such as to constitute a state of war, invalidating the claims; (2,) that these claims were not embraced in the convention for the purchase of Louisiana; (3,) that they were not embraced in the later convention of 1831; (4,) that the alleged annulling of the French treaties by act of Congress did not affect the claims; (5,) that the early efforts of our government with France, for the satisfaction of these claims, can furnish no ground of exemption from present liability; and (6,) that the claims, at the time of their abandonment, were not desperate, so as to be of no value.

With the removal of all known objections, the way was open to consider the extent of "just compensation" under three different heads: (1,) the advantages secured to the United States by the sacrifice of the interests of these claimants; (2,) the actual losses of these claimants; and (3,) the final recommendations of the committee.

Such is the whole case in its divisions and subdivisions. But there is one reflection which naturally belongs to the close. These claims have survived several generations, entwining themselves each year with the national history. Meanwhile the republic, for whose advantage they were sacrificed, has outgrown the puny condition of that early day, when its commerce was the prey of France, and when even the sacred debt for independence was left unpaid. These claimants have been called to remark the glorious transformation, by which the weak has become strong, and the poor has become rich; with glistening eye they have followed the flag of the country as it was carried successfully in every sea; with sympathetic heart they have heard the name of the country sounded with honor in every land; and now they joyfully witness the unexampled resources with which it upholds the national cause against an unexampled rebellion; but these claimants have been called to observe especially how, for many years, unchecked by hindrances, the national government has labored successfully with foreign powers to secure justice to its despoiled citizens, until all nations—Great Britain, Spain, Denmark, Naples, Holland, Mexico, Colombia, Peru, and Chili—have yielded to its persistent negotiation, and even France has paid indemnities to our citizens for all spoliations subsequent to these very claims; all this history these claimants have observed with pride. But how can they forbear to exclaim at the sacrifice that has been required of them—that they alone, the pioneers of our commercial flag, have been compelled

“in suing long to bide,” while a part of the debt for national independence has been cast upon their shoulders, and the whole country has enjoyed priceless benefits at their expense! Well may these disappointed suitors, hurt by unfeeling indifference to their extensive losses, and worn with infinite delay, cry out in bitterness of heart, “Give us back our vessels.” But this cannot be done. It only remains that Congress should pay for them.

APPENDIX A.

List of reports of committees.

Number.	Where reported.	By whom reported.	Committee.	Date.	Bills and reports.	Detailed reports.
1	House...	Mr. Giles (a).....	Select	April 22, 1802.....	.....	R.
2	House...	Mr. Marion (b).....	Select	Feb. 18, 1807.....	.....	R.
3	Senate...	Mr. Roberts	Claims	March 3, 1818.....	Adverse, No. 124	R.
4	House...	Mr. Russell	Foreign Affairs.	Jan. 31, 1822.....	Adverse, No. 32.....	R.
5	House...	Mr. Forsyth	Foreign Affairs.	March 25, 1824.....	Adverse, No. 94.....	R.
6	Senate...	Mr. Holmes	Select	Feb. 8, 1827.....	Favorable, No. 48.....	R.
7	House...	Mr. E. Everett.....	Foreign Affairs.	May 21, 1828.....	Favorable, No. 262.....	R.
8	Senate...	Mr. Chambers	Select	May 24, 1828.....	Favorable, bill 206.....	R.
9	Senate...	Mr. Chambers	Select	Feb. 11, 1829.....	Favorable, bill 76.....	R.
10	House...	Mr. E. Everett.....	Foreign Affairs.	Feb. 16, 1829.....	Favorable, bill 82.....	R.
11	Senate...	Mr. E. Livingston..	Select	Feb. 22, 1830.....	Favorable, bill 103.....	R.
12	Senate...	Mr. E. Livingston..	Select	Dec. 21, 1830.....	Favorable, bill 31.....	R.
13	Senate...	Mr. E. Livingston..	Select	Jan. 14, 1831.....	Favorable, bill 32.....	.....
14	Senate...	Mr. Webster (c).....	Select	Dec. 10, 1834.....	Favorable, bill 5.....	.....
15	Senate...	Mr. Wilkins	Select	Dec. 20, 1834.....	Favorable, bill 9.....	.....
16	House...	Mr. E. Everett.....	Foreign Affairs.	Feb. 21, 1835.....	Favorable.....	} 121 R.
16	House...	Mr. Cambreling.....	Foreign Affairs.	Minority adverse statement .....	.....	
17	House...	Mr. Howard	Foreign Affairs.	Jan. 20, 1838.....	Favorable, bill 45.....	R.
18	House...	Mr. Cushing (d).....	.....	March 31, 1838.....	Favorable statement.....	R.
19	House...	Mr. Cushing	Foreign Affairs.	April 4, 1840.....	Favorable.....	} 319 R.
19	House...	Mr. Pickens	Foreign Affairs.	Minority adverse statement .....	.....	
20	House...	Mr. Cushing	Foreign Affairs.	Dec. 9, 1841.....	Favorable, bill 57.....	R.
21	Senate...	Mr. Choate	For'n Relations.	Jan. 28, 1842.....	Favorable, bill 148.....	.....
22	Senate...	Mr. Archer.....	For'n Relations.	Jan. 5, 1843.....	Favorable, bill 64.....	.....
23	House...	Mr. C. J. Ingersoll..	Foreign Affairs.	April 17, 1844.....	Favorable, bill 339.....	.....
24	Senate...	Mr. Choate	For'n Relations.	May 29, 1844.....	Favorable, bill 180.....	.....
25	Senate...	Mr. Choate (e).....	For'n Relations.	Dec. 23, 1844.....	Favorable, bill 47.....	.....
26	Senate...	Mr. Clayton (f).....	Select	Feb. 2, 1846.....	Favorable, bill 68.....	.....
27	House...	Mr. Tru. Smith (g)...	Foreign Affairs.	July 16, 1846.....	Favorable, bill 68.....	.....
28	Senate...	Mr. Morehead.....	Select	Feb. 10, 1847.....	Favorable, bill 156.....	R.
29	House...	Mr. Tru. Smith.....	Foreign Affairs.	Jan. 4, 1848.....	Favorable, bill 21.....	.....
30	Senate...	Mr. Tru. Smith.....	Select	Feb. 5, 1850.....	Favorable, bill 101.....	R.
31	House...	Mr. Buel	Foreign Affairs.	June 14, 1850.....	Favorable, bill 318.....	.....
32	Senate...	Mr. Tru. Smith (h)...	Select	Jan. 24, 1851.....	Favorable, bill 101.....	.....
33	Senate...	Mr. Bradbury	Select	Jan. 14, 1852.....	Favorable, bill 64.....	R.
34	Senate...	Mr. Hamlin	Select	Feb. 15, 1854.....	Favorable, bill 36.....	.....
35	House...	Mr. Bayly (i).....	Foreign Affairs.	Jan. 4, 1855.....	Favorable, bill 117.....	.....
36	House...	Mr. Pennington.....	Foreign Affairs.	March 3, 1857.....	Favorable, bill 865.....	.....
37	Senate...	Mr. Crittenden (j)...	Select	Feb. 4, 1858.....	Favorable, bill 45.....	R.
38	House...	Mr. Clingman	Foreign Affairs.	May 5, 1858.....	Favorable, bill 552.....	.....
39	House...	Mr. Royce.....	Foreign Affairs.	March 29, 1860.....	Favorable, bill 259.....	R.
40	Senate...	Mr. Crittenden	Select	June 11, 1860.....	Favorable, bill 428.....	.....
41	Senate...	Mr. Sumner	For'n Relations.	Jan. 13, 1862.....	Favorable, bill 114.....	.....
42	Senate...	Mr. Sumner	For'n Relations.	Jan. 20, 1863.....	Favorable, bill 114.....	.....

(a) Favorable statement of facts without coming to any conclusion.

(b) Favorable, including and adopting Mr. Giles's report of April 22, 1802.

(c) This bill was voted by the Senate February 3, 1835; yeas 25, nays 20.

(d) Individual, by consent of the House.

(e) This bill was ordered to be engrossed and read a third time February 10, 1845, by yeas 26, nays 15, but not reached.

(f) This bill was voted by the Senate on June 9, 1846; yeas 27, nays 23.

(g) This bill (being Mr. Clayton's bill as voted by the Senate) was voted by the House by yeas 94, nays 87. It thus passed both houses, and was vetoed by President Polk as a Senate bill; and on the veto the Senate voted yeas 27, nays 15—not two-thirds.

(h) This bill was voted by the Senate, yeas 30, nays 26.

(i) This bill was voted by the House, yeas 111, nays 77; and was voted by the Senate, February 6, 1855, yeas 28, nays 17, and was vetoed by President Pierce as a House bill; and the House vote on the veto was yeas 113, nays 86—not two-thirds—so the bill was lost.

(j) This bill (Mr. Crittenden's, No. 45) was voted by the Senate on January 10, 1859, yeas 26, nays 20.

List of memorials to the Senate and House of Representatives claiming indemnity for French spoliations, under the convention of July 31, 1801.

The convention was promulgated by the President's proclamation of December 21, 1801; and at the first session of Congress then succeeding, being the first session of the seventh Congress, the following memorials were laid before the Senate and House of Representatives, viz:

FIRST SESSION, SEVENTH CONGRESS.

1802.

- | | |
|-------|---|
| Feb. | 5. Sundry merchants of Baltimore. |
| | 8. Sundry merchants of Philadelphia. |
| | 15. Sundry merchants of Alexandria. |
| | 15. Sundry merchants of Massachusetts. |
| | 24. Sundry merchants of the city and State of New York. |
| | 26. William Dunlop, of Port Royal, Virginia. |
| March | 2. Sundry merchants of Hartford, Connecticut. |
| | 2. Sundry merchants of Washington, North Carolina. |
| | 9. Sundry merchants of Charleston, South Carolina. |
| | 9. Sundry merchants of New London, Connecticut. |
| | 12. Sundry merchants of Middlesex county, Connecticut. |
| | 15. Sundry merchants of New London, Connecticut. |
| | 22. Sundry merchants of Boston. |
| | 22. Sundry merchants of Norwich, Connecticut. |
| | 22. Sundry merchants of New Haven, Connecticut. |
| | 27. Sundry merchants of Portsmouth, New Hampshire. |
| | 30. Sundry merchants of Norfolk, Virginia. |
| April | 1. Sundry merchants of Nantucket. |
| | 2. Sundry merchants of Portland, Maine. |
| | 2. Sundry merchants of Newburyport. |
| | 23. Robert Beverly, of Essex county, Virginia. |

Nearly all the above-mentioned memorials were destroyed by fire, with the Capitol, by the British army in 1814, and no record having been kept of the signers, the following list is so far imperfect. It is further imperfect by reason of many memorials of subsequent date being misplaced or otherwise lost. The list is, however, entitled to confidence, except as before mentioned, being carefully compiled from the best data extant.

[Then follows a list of memorials, occupying one hundred pages, which is omitted.]

IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1867.—Ordered to be printed, and recommitted, with bill, (S. 116,) to the Committee on Finance.

Mr. HENDERSON made the following

REPORT.

(To accompany bill S. 116.)

The Committee on Finance, having considered the memorial of the Louisiana legislature and other memorials and papers submitted to them, praying aid for the construction and repair of the levees on the Mississippi river and its tributaries in that State, have instructed me to bring in the bill now reported.

They request me to say that the very limited time they have been able to give to this subject, owing to other engagements that could not be neglected in the closing days of the session, renders it impossible to examine and state at length the reasons inducing them to favor the measure now offered. It is, perhaps, enough to say, on the part of the committee, that they are satisfied not only of the constitutional power of Congress in the premises, but equally satisfied of the expediency and good policy of adopting it. They do not propose action on the bill at this session, but will call it up at an early day during the next session, and press it to a vote. In the mean time, I am instructed by the committee to collect such topographical information of the region of country to be affected, and such statistical facts connected with the population, productions, and resources thereof, as may be available, and that I cause the same to be reported to the committee for action at a subsequent time. They hope then to be able to present the several reasons of a political, financial, economical, and benevolent character which have influenced their present report.

Preliminary thereto, I am authorized to say the bill which I submit provides for guaranteeing the payment of three million dollars of bonds, to be issued by the State of Louisiana, for the purpose of constructing and repairing her levees. The bonds are to be payable in not less than ten nor more than thirty years. They cannot be sold at a price less than their par value. The proceeds are to pass into the hands of levee commissioners, to be duly appointed under the laws of the State. The expenditures are to be made under the direction of competent and practical engineers employed by the State, but subject to the general supervisory control of the War Department, through its able and efficient engineer corps. Should the Secretary of War, during the progress of the work, believe that the money is being fraudulently or improvidently used, his intimation of that fact to the Secretary of the Treasury will prevent any further indorsement of bonds, until action shall be taken by Congress. Not exceeding \$500,000 of bonds are to be indorsed and delivered at any one time, and no further indorsement is to be made till a full report of the progress and character of the work, showing the items of expenditure, shall be laid before the Secretary of the Treasury; and these reports, from time to time, are to be placed before Congress.

The bonds themselves are to be issued not by the present provisional gov-

ernment of the States, about the validity of which Congress and the country entertain doubts, but by such government as may be recognized by all departments of the federal government. No provision, therefore, can be made for the issue of the bonds by the State until its representatives shall have been recognized and admitted into Congress. This is regarded as necessary to remove all possible apprehensions as to the validity of the bonds themselves and the perfect obligation of the State to pay them.

It will be observed that the State of Louisiana is primarily bound to pay both principal and interest. The contract of the United States is strictly that of a guarantor. The liability is secondary. The credit of the State is prostrate, and until her levees are rebuilt it cannot be restored. This measure proposes a mere loan of the national credit, not likely in the end to cost the government a dollar, but certain to develop at once the resources of a great State, restore it to its former enviable position in the financial and commercial world, and save its citizens from the effects of poverty and destitution, of which they are now suffering. If these great objects can be accomplished without actual expenditure or outlay by the government, no one should question the policy, at least, that leads to their accomplishment. Such beneficial results might be considered from a national point of view, and might be supposed to authorize the work to be commenced and carried on as a national work. The beneficial influences anticipated will not be confined to the limits of a single State. But, as the benefits are more immediately to be felt and realized by the people of Louisiana, it is thought best that they shall bear the burden of the improvement. The excess of benefit enjoyed by them, over that enjoyed by other sections, will enable them to pay its cost, and become large gainers by the operation. The State is now insolvent. All it wants is credit. The nation can give that credit, without possible loss to itself. The State can make the nation perfectly secure, and, with that view, it is provided in the bill that the act of the legislature under which these bonds may be issued shall make ample provision for their ultimate redemption. A tax on all the lands of the State, or at least on such as may lie in the inundated districts, must be provided for, commencing in the year 1872, and to be annually levied and collected thereafter, which shall constitute a fund sacredly pledged to their payment. This tax must appear to be sufficient for the purposes contemplated, before the Secretary of the Treasury is authorized to indorse the guarantee.

In addition to this, we are advised that the State of Louisiana owns not less than five million acres of rich alluvial lands, known as swamp lands, such as produce sugar cane, cotton, and rice in their greatest perfection, nearly all of which will be reclaimed by the proposed work. These lands, in their present condition, it is true, are almost worthless, except for their valuable timber, but when protected from annual overflow, they suddenly assume a value commensurate with the quantity and price of their productions. It is required that they shall be conveyed to the United States to indemnify us against loss or damage by reason of the liability assumed, and in case of default by the State the government may proceed to sell them on its own terms, or, by subsequent regulations, permit the State to sell them and appropriate the proceeds to the discharge of the bonds.

If it be said that this latter security is trifling, worthless, or unavailable, I reply that after the grant of the swamp lands to the State by Congress, in 1849, for the improvement of its levees, the annual average proceeds of their sales, up to the commencement of the war, under the excellent system of diking and draining adopted by the State, and known in this country as the "levee system," amounted to about \$700,000.

These alluvial lands possess a value beyond estimate. In them the people of the United States have riches not generally understood—riches not inferior to those existing in the iron and lead deposits of Missouri, the coal and oil of Penn-

sylvania and West Virginia, or the gold and silver mines of California and Montana. The price of cotton and sugar during the late war, when the products of these wonderful lands failed for want of tillage, or were shut out from the world, go to demonstrate their inestimable value and the very great importance of bringing them into immediate use and subjecting them to the highest state of cultivation. Other lands in the southern States might answer all purposes for growing cotton, but nowhere in the United States, and scarcely anywhere in the world, can the sugar cane be so profitably and abundantly grown as on the alluvial lands of the State of Louisiana. Indeed the only sugar lands of this country may be said to lie within the region proposed to be protected by this bill. When they were partially cultivated sugar was produced for a long series of years at a cost to the consumer of from three to five cents per pound. When reclaimed, as they may be, we shall witness the return of those days so unwisely closed, for a time, by rebellion, and the country, instead of sending abroad many millions of money annually to purchase sugar at exorbitant prices, will again become an exporter of the article, and thus create abroad credits founded on labor, the true and only basis of wealth, thereby augmenting individual prosperity and adding solidity and strength to our national finances.

Such is the bill now offered, and such are the securities provided for the national guarantee.

It can scarcely be doubted that, at a period comparatively recent, the wide belts of alluvial lands on the Mississippi, between Cairo and the present entrance of the river into the Gulf, were entirely covered by water. The large quantity of sediment annually carried down by the turbid waters of that stream has been gradually deposited where the current was less rapid and violent, until the surface of the land has been raised above low-water mark. The annual rises of the river, however, overflow this entire country, leaving after each freshet a new deposit, richer if possible than those made upon the famous delta of the Nile. But in the case of the Mississippi, flowing as it does from north to south, the freshets come so late in the season as to prevent the production of crops in this region after the water subsides. This renders the levee or dike absolutely essential. Works of this character in Louisiana were first commenced at New Orleans, about the beginning of the present century, and up to the year 1860 about 1,600 miles of levees had been built, and not less than sixty million dollars had been expended in their construction. The wealth of Louisiana consists in these alluvial lands, and their use and cultivation are wholly dependent upon the levee. A partial system is attended with but little advantage. It avails nothing to confine the waters for ten, twenty, or even fifty miles, unless it be confined at every point from which it may inundate the lands. A knowledge of this fact enabled General Grant, in 1863, by cutting the levees at Lake Providence to inundate the entire alluvial region for 350 miles below, by which crops were destroyed, live stock drowned, and many of the inhabitants driven out.

During the war all work on these levees was suspended, and they would necessarily during that period have become greatly injured by natural wear and abrasion. But to add to the injury, they were cut in divers places by the military authorities on both sides to facilitate their operations, and high freshets coming before any repairs had been made, the waters rushed through the crevasses and breaks, sweeping off the embankments for many miles in length. To make these works what they were previous to the war, with the present prices of labor, will require large expenditures. Without these expenditures the population of the State can scarcely support themselves; and to this fact is attributable much of the suffering and want now prevailing in Louisiana, Mississippi, and Arkansas.

Since the war closed the State authorities have endeavored to make repairs, and with that view have expended several million dollars. The people, how-

ever, already impoverished by the war, since its termination have been forced to contend with the elements of nature, bringing unprecedented overflows, followed by destruction of property, blight of crops, unusual sickness, and at last menaces of starvation. Individual exertion can now do nothing, and the State credit is paralyzed. It is sometimes said that these sufferings are but the merited punishment of a rebellious people, legitimately following the crime of treason, and that they should be left to lie in the bed which they have made for themselves. This position might better commend itself to the moral sense, if none but the guilty were involved in the suffering; but such is not the case. The laws of society are such that, to a certain extent, the same fate attaches to the whole community. In some degree all must be destitute or all must be prosperous. It is, perhaps, well that our interests are thus linked together, for otherwise good men might be less prompt to curb the wicked. To protect themselves they must protect society. When the war commenced we were compelled to regard the entire population of the seceded States as public enemies. The rebellious held the power there, and we could not distinguish between the Unionist and the rebel. When these levees were cut the rushing torrent did not spare the premises of the loyalist; it carried devastation over the entire alluvial region, and brought poverty to the doors of all, whether loyal or disloyal, white or black, male or female, old or young. This result could not be avoided. The necessities of war are inexorable, and our nation, like all others, when thus involved, must yield to these necessities. But peace has now come, I hope to remain forever, and it must be remembered that the laws of peace are no less inexorable than those of war. If disregarded, it brings material injury to ourselves, and induces the contempt of mankind.

The laws of war demand that all within the limits of the affected district shall be held as enemies. The laws of peace no less imperatively demand that the citizens of every section shall be recognized as friends. If national safety in time of war requires a thing to be done, we cannot refrain from doing it, simply because it may injure some friends of the government. If national interests in a time of peace require the adoption of certain measures, they should not be postponed because some bad men may be benefited. This would be mere revenge, in which no nation can indulge with safety. It is bad enough in individual action. It would be ignoble in a great nation professing to be governed by enlightened principles of public policy.

In the course of a few brief years, the entire generation of men who waged such fierce war against us in the south will have passed away forever, and whatever revenge we may cherish must be purely sectional in its character. To hate it as a section is to hate a part of our own country. To curse its inhabitants is to curse ourselves. Whatever the past may have been, we hope to have future generations in that region loyal. To make them so, a great nation, guided by the light of Christian civilization, ought to be generous, can afford to be charitable, but *must* be just.

It may be that the children there who sought to destroy the government will be benefited; but to punish posterity for the deeds of their ancestors can have no excuse except revenge. Vengeance belongs not to man; and if it did, the lesson of elevated divine truth enjoins that "the son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son."

This work, if done, will last through many generations, awakening the gratitude of the people, and standing as a monument of the nation's benevolence and care. If we remember the war at all, it should be for the good it has brought. No monuments of evil should be left to stand. Our sectional animosities must be blotted out, and to do so a conquering nation may properly make the first advance. If in our political action we would teach the people to forget these animosities, we should remove as far as possible the physical objects which war erected. If civil strife broke down any of the landmarks

of peace, let them again be restored, that the thoughts of men may be turned from the past to the hopes of a better future. The levee was one of these landmarks of peace. Civil war destroyed it. If peace rebuilds it, the annual flow of the rivers will pass on to the Gulf, leaving smiling fields and a contented population on either side.

If we examine this subject from a strictly money point of view, our material interests call loudly for the adoption of the measure. In 1860 these Louisiana lands of which I speak produced 500,000,000 pounds of sugar, worth at the present prices of that article \$50,000,000. They produced also 35,000,000 gallons of molasses, which at the present minimum value would be worth \$21,000,000. They produced in the same year 550,000 bales of cotton, which at the present minimum price would realize not less than \$60,000,000. The revenue duty of one cent per pound on sugar would yield to the government an annual revenue of \$5,000,000. The tax of three cents per gallon on molasses would yield \$1,050,000. The tax of two and a half cents per pound on cotton would bring annually to the treasury \$5,500,000, making in the aggregate an annual revenue of \$11,550,000.

I would not be justified in saying that no part of this revenue will be realized should the levees be left as they are. Some of these lands may possibly be cultivated, whatever may be the height of the river freshets; but such lands are comparatively scarce. During some seasons a large portion of them might be cultivated, but until perfect protection against overflow is insured, the expense and risk of planting will not be undertaken. It must be borne in mind, while considering this subject, that cotton is the only agricultural product which, in its raw state, is burdened with internal taxation; and the only plausible argument that can be urged in favor of levying and collecting this tax is based on the assumed fact that the supply of this article from the United States alone controls the markets of the world. It is said that the consumer, both at home and abroad, and not the planter, bears the tax. I do not stop to determine whether the argument is true or false; the government by its legislation insists on its truth.

If it be untrue the grower of the article in effect pays an export tax, and the spirit of the Constitution in this respect is violated. It is not material to the argument whether the tax is legal or illegal; it has been collected, and has produced many million dollars to the treasury. It is now proposed to continue it, and if continued, increased production but adds increased revenue. If taxed a part of the revenues might be applied to encourage its growth. If protective duties may be levied upon foreign importations, with the avowed purpose of protecting the home manufacturer, that thereby general industrial interests may be promoted, the same Constitution permits, and the same general interests demand, that the growth of these articles so necessary to the revenues of the country, and so essential to the industry of the world, should be encouraged and protected by the fostering hand of legislation. Let it not be said that Congress has no power to do what is asked. We are already committed to the power. In 1860 these lands contained a population of 600,000, one-half white, and the other half negro slaves. Poverty and destitution came upon them by reason of the causes named. The lands could not be cultivated, and hence the suffering for which we have been compelled to provide. First, the freedmen and refugees claimed our attention, and millions of money have been cheerfully appropriated to relieve their wants. More recently the cry of the resident whites, even of those who waged war against us, comes up for national charity, and Congress feels bound to respond to the call. These heavy appropriations from year to year cannot be continued. So far they have been necessary, because the farms and sugar-mills, gin-houses, and workshops of the south were destroyed by the cruel necessities of war, and the people have no means to repair them. Until they are repaired, and general industry resumed, poverty and destitution

must continue. If Congress possesses the power to feed them from the federal coffers, let no man deny its authority to do what is absolutely necessary to make them self-sustaining. If we may feed them prostrated, we may lift them up, and enable them to feed themselves. If we can educate them, we may do what will enable them to educate themselves. If we can build school-houses to give bread to the mind, we may build levees to save the body from starvation.

True statesmanship, which at last is but the application of common sense to the varying conditions of society, imperatively demands that these people, white and black, should begin to support themselves. They must cease to depend upon the bounties of the government. They have the richest country in the world, and they, like others, should earn their bread by the sweat of the brow. If their fields have been flooded by the misfortunes of the war, let us assist them to remove the waters, that they may resume the cultivation of the lands whose products will soon lift them from want to the enjoyment of luxuries, from the pinchings of poverty to affluence and ease.

If the contemplated work be done we shall relieve the treasury from large charitable appropriations. We shall bring to it annually a revenue of \$11,550,000, instead of the two or three millions, which at the outside can be realized without it. We shall give present employment and support to 600,000 people, and prospective employment to several millions more who will be induced to settle upon the lands. We shall thereby encourage the reorganization of one of the States, restore it to its former credit, and place it once more on the high road to prosperity. We shall stimulate its agricultural industry, and remove in some degree the existing prejudice of race by demonstrating the dependence in their new relations of the one upon the other.

But there is still another consideration connected with this subject. The products of this region in the articles of cotton and sugar alone, on the basis of the crop of 1860, would now be worth in the markets of the world one hundred and thirty million dollars. The present prices of these staples, if the country were protected, would induce thither a large immigration. This population would go to cultivate the lands. It would go to engage in productive industry, and not for purposes of trade or speculation. It is safe to say that in the course of a few years these products will be doubled and perhaps trebled in amount, and possibly also in value. This laboring population in their demands for the manufactures and machinery of the north and the agricultural products of the west, will tend to stimulate industry in other sections of the country. National debt can only be paid by national wealth. To make a nation rich its inhabitants must be rich. No people can become rich without labor. Many schemes have been devised to evade this hard condition, but none have proved successful. No contrivance for the purpose of evading it has proved more deceptive than the issue of paper money. None is more dangerous, for it keeps up the delusion of wealth until the disease of bankruptcy has made fatal progress. Our statesmen complain of large and increasing importations. So long as values are unsettled there is temptation to trade. So long as that temptation exists excessive importations will continue. We must pay for them, and in the absence of the productions of labor our public securities are sent abroad and sold for that purpose. So soon as the products of labor shall be exported in sufficient quantities to pay for importations, specie payments is the inevitable result. Specie payments check the tendency to speculation, and necessarily diminish importations. As speculation decreases men go to work, and productive industry increases. The immediate result is, that the products of labor rapidly accumulate, and going abroad they establish foreign balances in our favor, which must be discharged by a returning stream of the precious metals. This is what is now needed for our country. It is not difficult to see that labor should be at once turned to the production of those articles commanding the highest price in the markets of the world. If cotton can be produced at a cost of eight cents and sold in foreign markets at thirty, the mar-

gin for profit is large, and a heavy balance is rapidly accumulated. Whatever the quantity of American cotton produced the world demands it all. Foreign countries, of course, will pay for it in the productions of their labor, if they can; but they must have it, even at the expense of gold. The same may be said of sugar and molasses. Whatever, therefore, can be legitimately done to direct labor into these channels of profitable production, it behooves the nation to do. Labor must pay the national debt. We should, therefore, foster labor wherever we can, and direct it where wealth may certainly follow its application.

What has been said in regard to the alluvial lands of Louisiana is equally applicable to those in the States of Mississippi and Arkansas. The sections of country between the Mississippi and Yazoo rivers has long been noted as the cotton growing region of Mississippi. If properly protected, a million of bales of cotton might there be annually grown, bringing to the treasury ten millions of revenue, and adding one hundred millions annually to the national wealth. Applications have also been made from these States for aid, similar to that asked for Louisiana. Their applications will be taken up at the next session, and receive the consideration due to their importance. What is done in one case, will likely be done in all. Nothing will be done in either until—for the reasons already mentioned—the State shall be fully reorganized.

And now, in conclusion, without detracting in the least from the merit and glory of other sections, it may be justly said that to this great river on which this work is to be done the country is largely indebted for the preservation of the Union through the trials of the late war. Our forefathers felt the necessity of owning it from the ice-bound lakes of its source to the Gulf. It was paid for from the national treasury and became national property. The great northwest, of course, was more immediately interested in its navigation, and it early determined that no part of the stream should again pass under foreign jurisdiction. This resolution stimulated thousands to enter the ranks, and gave them zeal and firmness in the darkest hours of the struggle. Regiment after regiment came from its valleys, and Grant and Sherman were summoned from its banks to see that its waters should go “unvexed to the sea.” On its bosom the movement was made which flanked the great stronghold of rebel power, and turned the tide of success. So soon as it was opened to the sea the rebel territory was divided, and the rebel power began to dissolve. Whatever fate may be reserved for us in the future, it is scarcely possible that the Mississippi river shall be crossed by the dividing line of sovereign nations. The same jurisdiction must extend over its entire length. And now, as it was useful to us in war, it may be made useful to us in peace. As it floated our battalions along to the heart of the rebel territory, and nerved the arm of the soldier to rescue it from the hands of a people seeking, in madness and folly, to be independent and foreign to those to whom nature and interest had bound them, so it may become useful in elevating us above the idle, unfounded animosities of the past, and removing the obstacles in the way of reconciliation.

The southern people entered the war proud and defiant. The long existence of slavery among them had given many of them the airs of tyranny. They were often insolent to their own injury. They entertained the utmost contempt for the negro, and cordially despised those who intimated the justice or propriety of his emancipation. Northern philanthropy was derided as the suggestions of sordid interest, and the manifestations of Christian sympathy were ascribed to the hypocritical intermeddling of a false and envious people, inferior to themselves in the attributes of manhood. Now that slavery, that element of irrepressible conflict is removed, it only needs that all its false teachings, the passions, hatred, and uncharitableness engendered by it shall be swept away. Then the Union is a Union of sincere affection, a Union of strength, and therefore a Union perpetual.

In this very region proposed to be opened to labor, the entire negro popula-

tion of the south can find profitable employment. Indeed it is here, in the cultivation of cotton and sugar, that the negro question may be settled forever. Here his physical organization, his endurance of heat, make his presence invaluable. His labor comes at once into demand. White men must pay him exorbitant wages, and this fact may bring hither the larger portion of the black population of the United States. This emigration of the negro will soon be felt injuriously in those regions where he now is, because wherever he is his labor is important. It is often said that he is lazy, that he is a vagrant, preferring to starve, rather than work. However that may be, it may be confidently predicted that the moment inducements may be such as to cause his emigration from any portion of the south, the whites will be found granting him rights, civil and political, if necessary to retain his labor. Labor is the great demand of the entire country to-day. The negro cannot leave the south. It is his native, his natural home. Let us open up fields of industry for him, and the competition for his labor will go far to settle the question of his rights. This competition will do more than Freedmen's Bureau or Civil Rights bills. But this is not all. If the negro withdraws from Virginia, North Carolina, or Georgia, labor must be sought among the whites of other sections to supply his place. If it be thus supplied it mingles in southern society a foreign or northern element destined soon to break down prejudices and remove animosities. If this labor be not supplied, the result will be that improved lands in those States will so depreciate in value that northern men will sell their farms at high rates and purchase better lands in the south at one-tenth the price. In either event, the effect will be the same—a commingling of northern and southern society, which being once accomplished, will bind us together as firmly as mutual interests and affections, after centuries of war, have bound together the enlightened people of England and Scotland.

IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1867.—Ordered to be printed.

Mr. TRUMBULL submitted the following

REPORT.

The Committee on the Judiciary, to whom was referred a resolution of the House of Representatives, transmitting certain testimony, which testimony, as stated in the resolution, "apparently affects one or more members of the Senate," beg leave to report :

That the testimony transmitted was taken in the investigation of a subject wholly disconnected from the Senate or any of its members, and the allusions it contains to senators are only incidental to the investigation of the main subject—are mostly hearsay, and altogether of an inconclusive character, so far as they relate to the Hon. James R. Doolittle and the Hon. David T. Patterson, the senators alluded to.

Your committee have, however, resorted to the original sources of information on the subject, and have examined witnesses on oath whose position was such that they must have known of any arrangement or understanding by which the senators alluded to, or either of them, were to be benefited by the confirmation of Mr. Smythe as collector of the port of New York, or in any manner to be sharers in the general order or any other business connected with the New York custom-house, and the testimony fails to show any such understanding or interest.

However the names of Messrs. Doolittle and Patterson may have been used by third parties, in speaking of the general order business, or whatever may have been the intentions of Mr. Smythe, the collector, in regard to it, there is no evidence to show that either of those senators gave any sanction to, or had any knowledge of, such use of their names or such intention.

Your committee are fully satisfied from an examination of the testimony referred, the statements of the senators themselves, and the additional testimony they have taken, that there is no ground for believing that either of the senators named has acted dishonorably or corruptly in regard to any matter to which the testimony referred relates, and that there is nothing in said testimony affecting either of said senators requiring further investigation ; they therefore ask to be discharged from the further consideration of the subject.

VIEWS OF THE MINORITY.

Mr. CONKLING submitted the following as the views of the minority of the committee :

The testimony referred to the Committee on the Judiciary discloses repeated instances in which Mr. Smythe, the collector of the port of New York, declared an intention on his part to dispose of the general order business so as to derive large sums of money from it, and to divide this money among other persons, two of whom, as indicated by him, were the members of the Senate named in the report of a majority of the committee, or one of said members and the son of the other.

These declarations seem to have been made from time to time after Mr. Smythe became collector and as late as October, 1866. They in some instances implied an arrangement with others as well as an intention on the part of Mr. Smythe himself.

Mr. Smythe in testifying before the committee denied that such an arrangement as to a division of the money had been made with others, and stated that it was only an intention of his own. He testified that this intention was never communicated to either of the senators referred to, that nothing was ever paid to either of them. The senators themselves, in communications to the committee, also denied all privity with the intention of Mr. Smythe to make them sharers in the general order business.

No testimony was produced to the committee showing that there was knowledge or consent on the part of the two senators referred to, or of either of them.

Upon this state of facts, the member of the committee who submits these views, thinks the senators in question should be exonerated from the imputations which have been cast upon them.

In conclusion, the undersigned refers to the testimony taken by the committee and to the communications made to it, in the hope that the same may be printed.

ROSCOE CONKLING.

IN THE SENATE OF THE UNITED STATES.

MARCH 7, 1867.—Ordered to lie on the table and be printed.

Mr. SUMNER submitted the following

RESOLUTIONS,

Declaring certain further guarantees required in the reconstruction of the rebel States :

1. *Resolved*, That Congress, in declaring by positive legislation that it possesses paramount authority over the rebel States, and in prescribing that no person therein shall be excluded from the elective franchise by reason of race, color, or previous condition, has begun the work of reconstruction, and has set an example to itself.

2. *Resolved*, That there are other things remaining to be done, which are as clearly within the power of Congress as the elective franchise, and it is the duty of Congress to see that these things are not left undone.

3. *Resolved*, That among the things remaining to be done are the four following :

First. The existing governments, which have been declared to be illegal, must be vacated, so that they can have no agency in the work of reconstruction, and will cease to exercise a pernicious influence.

Secondly. Provisional governments must be constituted as temporary substitutes for the illegal governments, with special authority to superintend the transition to permanent governments, republican in form.

Thirdly. As loyalty, beyond suspicion, must be the basis of permanent governments, republican in form, every possible precaution must be adopted against rebel agency or influence in the formation of these governments.

Fourthly. As the education of the people is essential to the national welfare, and especially to the development of those principles of justice and morality, which constitute the foundation of republican government, and as, according to the census, an immense proportion of the people in the rebel States, without distinction of color, cannot read and write, therefore, public schools must be established for the equal good of all.

Fifthly. Not less important than education is the homestead, which must be secured to the freedmen, so that at least every head of a family may have a piece of land.

4. *Resolved*, That all these requirements are in the nature of guarantees to be exacted by Congress, without which the United States will not obtain that security for the future which is essential to a just reconstruction.

IN THE SENATE OF THE UNITED STATES

March 7, 1867.—Ordered to be on the table and be printed.

Mr. Sumner submitted the following

RESOLUTIONS.

Resolved, That Congress, in declining by positive legislation that it possess paramount authority over the rebel States, and in permitting that no person therein shall be excluded from the elective franchise by reason of race, color, or previous condition, has begun the work of reconstruction, and has set an example to itself.

2. Resolved, That there are other things remaining to be done, which are as clearly within the power of Congress as the elective franchise, and it is the duty of Congress to do these things as well as the others.

3. Resolved, That among the things remaining to be done are the four following:

First, The existing governments, which have been declared to be illegal, must be replaced so that they can have no agency in the work of reconstruction, and will cease to exercise a pernicious influence.

Secondly, Provisional governments must be constituted as temporary substitutes for the illegal governments, with special authority to execute and the sanction to permanent governments, republican in form.

Thirdly, As justice, peace, and order must be the basis of permanent governments, republican in form, every possible provision must be adopted against armed agency or influence in the formation of these governments.

Fourthly, As the education of the people is essential to the national welfare, and especially to the development of those principles of justice and morality which constitute the foundation of republican government, and as according to the census an immense proportion of the people in the rebel States, without the function of color, cannot read and write, therefore, public schools must be established for the equal good of all.

Fifthly, Not less important than education is the homestead, which must be secured to the freedmen, so that at least every head of a family may have a piece of land.

4. Resolved, That all the requirements are in the nature of guarantees to be exacted by Congress, without which the United States will not obtain that security for the future which is essential to a just reconstruction.

LIST OF COMMITTEES
OF
THE SENATE OF THE UNITED STATES
FOR THE
FIRST SESSION OF THE FORTIETH CONGRESS.

MARCH 7, 1867.

STANDING COMMITTEES.

Foreign Relations.

Mr. Sumner, chairman.
Fessenden.
Cameron.
Harlan.
Morton.
Patterson, of New Hampshire.
Johnson.

Finance.

Mr. Sherman, chairman.
Morgan.
Williams.
Van Winkle.
Cattell.
Henderson.
Morrill, of Vermont.

Appropriations.

Mr. Morrill, of Maine, chairman.
Grimes.
Howe.
Wilson.
Cole.
Conkling.
Guthrie.

Commerce

Mr. Chandler, chairman.
Morrill, of Maine.
Morgan.
Sprague.
Corbett.
Patterson, of Tennessee.
Doolittle.

Manufactures.

Mr. Sprague, chairman.
Pomeroy.
Yates.
Cole.
Dixon.

Agriculture.

Mr. Cameron, chairman.
Cattell.
Morton.
Tipton.
Guthrie.

Military Affairs and the Militia.

Mr. Wilson, chairman.
Howard.
Sprague.
Cameron.
Morton.
Thayer.
Doolittle.

Naval Affairs.

Mr. Grimes, chairman.
Anthony.
Cragin.
Nye.
Frelinghuysen.
Drake.
Hendricks.

Judiciary.

Mr. Trumbull, chairman.
Stewart.
Frelinghuysen.
Edmunds.
Conkling.
Johnson.
Hendricks.

Post Offices and Post Roads.

Mr. Ramsey, chairman.
Conness.
Pomeroy.
Van Winkle.
Harlan.
Morrill, of Vermont.
Dixon.

Public Lands.

Mr. Pomeroy, chairman.
Stewart.
Edmunds.
Cattell.
Williams.
Tipton.
Hendricks.

Private Land Claims.

Mr. Williams, chairman.
Howard.
Ferry.
Riddle.
Norton.

Indian Affairs.

Mr. Henderson, chairman.
Morrill, of Maine.
Ross.
Corbett.
Thayer.
Buckalew.
Doolittle.

Pensions.

Mr. Van Winkle, chairman.
Edmunds.
Trumbull.
Fowler.
Tipton.
Saulsbury.
Davis.

Revolutionary Claims.

Mr. Nye, chairman.
Chandler.
Howe.
Saulsbury.
Patterson, of Tennessee.

Claims.

Mr. Howe, chairman.
Willey.
Frelinghuysen.
Howard.
Morrill, of Vermont.
Cole.
Davis.

District of Columbia.

Mr. Harlan, chairman.
Sumner.
Henderson.
Willey.
Patterson, of New Hampshire.
Corbett.
Patterson, of Tennessee.

Patents and the Patent Office.

Mr. Willey, chairman.
Sherman.
Thayer.
Ferry.
Norton.

LIST OF COMMITTEES.

3

Public Buildings and Grounds.

Mr. Fessenden, chairman.
Trumbull.
Grimes.
Ferry.
Johnson.

Territories.

Mr. Yates, chairman.
Nye.
Cragin.
Fowler.
Ramsey.
Ferry.
Davis.

Pacific Railroad.

Mr. Howard, chairman.
Sherman.
Morgan.
Conness.
Ramsey.
Stewart.
Wilson.
Harlan.
Drake.

To Audit and Control the Contingent Expenses of the Senate.

Mr. Cragin, chairman.
Drake.
Buckalew.

Engrossed Bills.

Mr. Fowler, chairman.
Sumner.
Norton.

Mines and Mining.

Mr. Conness, chairman.
Stewart.
Chandler.
Anthony.
Yates.
Conkling.
Saulsbury.

JOINT STANDING COMMITTEES.

JOINT COMMITTEE ON PRINTING.

On the part of the Senate.

Mr. Anthony, chairman.
Ross.
Riddle.

JOINT COMMITTEE ON ENROLLED BILLS.

On the part of the Senate.

Mr. Ross, chairman.
Patterson, of New Hampshire.
Dixon.

JOINT COMMITTEE ON THE LIBRARY.

On the part of the Senate.

Mr. Morgan, chairman.
Howe.
Fessenden.

LIST OF COMMITTEES.

JOINT COMMITTEE ON RETRENCHMENT.

On the part of the Senate.

Mr. Edmunds, chairman.
Williams.
Buckalew.

JOINT COMMITTEE TO REVISE AND FIX THE PAY OF THE OFFICERS
OF THE TWO HOUSES.*On the part of the Senate.*

Mr. Fessenden, chairman.
Sherman.
Buckalew.

RESOLUTIONS

BY

MR. CAMERON,

TO

Inquire into the facts in respect to the designs of foreign powers to impose their systems of monarchical government and institutions upon the people of this continent.

MARCH 9, 1867.—Submitted, considered, and agreed to, and ordered be printed.

Resolved, That the Committee on Foreign Relations be instructed to inquire and report upon the facts, in respect to the designs of foreign powers to impose their systems of monarchical government and institutions upon "the people" of this continent, and what action, if any, our "government" should take to avert the inevitable consequences of the further prosecution of such designs, and to maintain for "ourselves and our posterity" the fundamental principles and objects of the original settlers of our country, and the traditional policy of the fathers and founders of the "republic."

Resolved, That the committee be authorized and empowered to take such measures as they may judge expedient and necessary to collect and submit the facts for the information of the "government" and "people of the United States."

RESOLUTIONS

THE JOHN G. THOMPSON

Resolved, That the Committee on Foreign Affairs be instructed to report upon the facts in respect to the charges of foreign power to impose their system of monarchical government and institutions upon the people of this country.

March 9, 1897.—Submitted, considered, and agreed to and ordered to be printed.

JOINT

Whereas, That the Committee on Foreign Affairs be instructed to report upon the facts in respect to the charges of foreign power to impose their system of monarchical government and institutions upon "the people" of this country, and what action, if any, our "Government" should take to avert the inevitable consequences of the further penetration of such designs, and to maintain for "ourselves and our posterity" the fundamental principles and objects of the original settlers of our country, and the traditional policy of the fathers and founders of the "republic";

Resolved, That the committee be authorized and empowered to take such measures as they may judge expedient and necessary to collect and submit the facts for the information of the "Government" and "people of the United States".

RESOLUTIONS
OF
THE LEGISLATURE OF WISCONSIN,
IN FAVOR OF

An appropriation to aid in the construction of the Northern Pacific railroad.

MARCH 8, 1867.—Referred to the Committee on the Pacific Railroad and ordered to be printed.

JOINT RESOLUTION instructing our representatives in Congress to vote for aid in the construction of the Northern Pacific railroad.

Whereas it has been ascertained that an interoceanic communication across the continent between the city of New York and the mouth of the Columbia river, by the construction of the Northern Pacific railroad from the western boundary of Lake Superior, may be established, thus combining 1,700 miles of cheap water routes, (in 1,300 miles of river, canal, and lake in the east, and 400 navigable miles of the Columbia river in the west,) with 1,400 miles of railway, thus affording the cheapest mode of travel across the continent; and whereas a speedy development of the vast resources of our country is demanded by every consideration of sound financial policy, with a view to the easy and early liquidation of the public debt: Therefore,

Resolved by the senate, (the assembly concurring,) That our senators in Congress be instructed, and our representatives requested, to vote to give government aid for the construction of the Northern Pacific railroad.

Resolved, That the governor shall forward to each of our senators and representatives in Congress a copy of the foregoing preamble and resolution.

ANGUS CAMERON,

Speaker of the Assembly.

GEO. F. WHEELER,

President of the Senate pro tem.

Approved February 27, 1867.

LUCIUS FAIRCHILD,

Governor.

STATE OF WISCONSIN, *Secretary's Office, ss:*

The secretary of state of the State of Wisconsin hereby certifies that the foregoing has been compared with the joint resolution No. 20, senate, on file in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State, at the capitol, in Madison, this 5th day of March, A. D. 1867.

[SEAL.]

THOS. S. ALLEN,

Secretary of State.

MEMORIAL

OF

A committee appointed at the river improvement convention held in St. Louis, February 13, 1867, praying an appropriation for the improvement of the Mississippi and Ohio rivers.

MARCH 8, 1867.—Referred to the Committee on Commerce and ordered to be printed.

To the Congress of the United States of America :

Your memorialists, appointed at the river improvement convention, held in St Louis, February 13, 1867, would respectfully represent : That the States lying upon the banks of the Ohio and Mississippi rivers, fourteen in number, had, by the census of 1860, a population of 16,909,494, or more than half the whole population of the United States ; and these two rivers have a coast line of 36,098 miles, while the coast of the Atlantic is 2,163 miles, and of the Gulf of Mexico 1,764 miles, and of the Pacific 1,343 miles, on an outer line, or 21,354 miles, including bays and indentations.

That these rivers drain an area of 1,785,267 square miles, more than half of the whole 3,001,002 square miles in the United States ; and these fourteen States, in 1860, contained 94,402,869 of the 163,110,720 improved acres, and 126,703,393 of the 244,101,818 unimproved acres of the whole United States ; and the valuation of property in these fourteen States shows 8,467,511,274 dollars of the whole valuation of the United States. 16,077,358,715 dollars ; showing very conclusively that these fourteen States pay more than half the taxes, work more than half of the improved land, have the majority of the population, and also the majority of the land to develop, of the whole United States.

By the census of 1860, the whole product of the United States was valued at \$1,900,000,000, while the foreign exports of domestic produce were only \$373,189,274, or less than one-fifth of the whole product, leaving four-fifths for exchange in domestic commerce between the States.

The proportion of the whole product afforded by these fourteen States we speak for may be judged by these returns of their produce, gathered from the census of 1860, and compared with the whole United States, as follows :

Products.	The fourteen States.	The whole United States.
Corn bushels..	632, 454, 375	838, 792, 740
Wheat..... do....	126, 930, 730	173, 104, 924
Oats do....	103, 995, 461	172, 643, 185
Tobacco pounds..	345, 400, 759	434, 209, 461
Sugar do....	222, 636, 000	230, 982, 000
Cotton do....	1, 079, 799, 600	2, 154, 820, 800
Wool..... do....	31, 277, 839	60, 264, 913
Hay tons..	9, 297, 743	19, 083, 896
Butter..... pounds..	239, 601, 405	459, 681, 372
Hemp tons..	69, 470	74, 493
Hogs.....	22, 225, 766	33, 512, 867
Bituminous coal bushels..	3, 247, 264, 425	3, 621, 923, 165
Horses and asses	4, 804, 634	7, 400, 322
Cattle	12, 517, 392	25, 616, 019
Sheep	11, 973, 315	22, 471, 275

Showing for the river States a great preponderance in the products of the whole country.

The total tonnage owned in the United States is returned in the census of 1860 as 5,353,868 tons, and the portion belonging to the fourteen States as 996,266 tons; but it is estimated, by competent parties, that the steamers on the Ohio and Mississippi have carried 7,905,216 tons during the year 1866; evincing the activity in domestic commerce of these river States, and this commerce but yet in its infancy, for it is developing daily, and demonstrating that from these States has and must come the food supply for the whole nation and for export; and that they must also supply the gold and silver States, which are developing so largely and quickly upon the tributaries of their rivers.

This domestic commerce suffers greatly from the rapids in the Mississippi and Ohio rivers, and from the accretions at the mouth of the Mississippi; and, impelled by the necessities of the case, that action must be had to remedy these grievances, 413 delegates, representing the States of Minnesota, Wisconsin, Iowa, Illinois, Missouri, Indiana, Ohio, Pennsylvania, Kentucky, Arkansas, Tennessee and Louisiana, appointed by the boards of trade in those States, met in convention at St. Louis, on the 12th and 13th of February, and, after full discussion, passed, with entire unanimity and harmony, the following resolutions, and instructed your memorialists to present the same to your honorable body:

Resolved, That the interests of the whole Mississippi valley, require the immediate improvement, by the national government, of the Mississippi river, from Belize to the Falls of St. Anthony, including especially the bars at the Belize, the upper and lower rapids, and the removal of obstructions above those rapids; and also of the Ohio river from Cairo and Pittsburg, and especially the work at the falls of the Ohio; said improvements to secure the navigation of said rivers free from all tolls or tribute.

Resolved, That the vast importance of such action as will secure the needed improvements, at an early day, of the following rivers, is commended to the favorable and earnest consideration of Congress, viz: the Missouri river from its mouth to Fort Benton; the Illinois river; the Red river; the Tennessee river to Chattanooga; the Wisconsin and Fox rivers; the Arkansas river to Fort Smith; the Cumberland to Nashville.

Resolved, That when the financial condition of the country may justify, Congress be requested to cause proper investigations to be made, as to the necessity of improving, hereafter, all the other navigable rivers of the Mississippi valley.

Resolved, That Congress should so legislate on the subject of bridging the Mississippi and other navigable rivers of the United States as will, while recognizing the equal importance of railroad and river transportation, harmonize both these interests, by securing proper facilities for both.

Your committee recommend, in pursuance of the foregoing objects, the appointment of a committee consisting of one member from each State represented in this convention, with a sub-committee of five to prepare a memorial to Congress demonstrating the national importance of said objects, and that each member of said general committee report to said sub-committee such statistics as will facilitate the work. It is further recommended that the resolutions adopted and the memorial be forwarded to Congress in the name of this convention, by its president, and that copies thereof be furnished to each senator and representative from the States of the Mississippi valley.

In performing this duty your memorialists cannot but call your attention to the evidence in the resolutions, that the river States are not asking for any local legislation; they have put away all such, or any legislation that is not needed for the national interest, and is not called for by a sufficient population and commerce, until a similar claim can be established; nor have they asked for anything that could be done by one State, or by companies or individuals, for the rivers for which appropriations are asked are boundaries of States and national

highways, over which no one State has competent jurisdiction; and the evidence in the late war must be conclusive that these rivers were the main arteries of the nation, and were essentially national, as from them came such stores of food and forage, such navies for transportation, such gunboats and bodies of men as contributed essentially to removing the paralyzing obstructions to the power and sovereignty of the whole United States.

Your memorialists would urge that the domestic commerce of this country is of right entitled to the fullest consideration of its legislators. We do not object to the care of its sea and lake shores evinced in the appropriations for coast survey, light-houses, breakwaters, blasting and dredging, but, as we have shown, the domestic commerce exceeds four times the foreign, and while the foreign runs to the country articles of luxury, with a few necessities, the domestic commerce comprises every necessity of life to the nation.

The rivers, as well as the ocean and lakes, are, of right, a great consideration in legislation, as developing upon their waters the domestic commerce of the country, so essential to the country's welfare, both in peace and war; and the people of this great valley should be enabled to navigate these free waters, unimpeded by any natural obstacles which can be removed, and untrammelled by the necessity of paying tribute to corporations, which may eventuate from the neglect of government in its internal care.

The agriculturists of the country claim the consideration of its legislators, and your memorialists have been specially urged by this interest to represent that their produce pays tribute to these rapids and the obstructions at the mouth of the river in a large diminution in the net value to them of their produce; and while, with proper water facilities, they could supply the world with food, they should not be compelled by the neglect of the government to keep in order their natural highway, the rivers; to pay to railroads the greater part of their bulky productions for their transportation to market, when it is possible to reduce that proportion at least one-half by water conveyance; resulting that their labors are not recompensed, their lands cannot be profitably cultivated, and the resources of the nation become seriously limited.

Your memorialists were further instructed to ask of your honorable body the speedy appropriations necessary for the removal of the obstacles at the Des Moines and Rock Island rapids, as shown by the surveys lately made and reported to your body from General James H. Wilson, of the Engineer department; and also for the completion of the enlargement of the canal at Louisville, as will appear by the reports of the progress of the works before your honorable body; and also for the deepening of the mouths of the Mississippi river, reports of which have been, and will be, furnished to your honorable body. They would respectfully urge that these improvements progress together as much as possible; the restrictions to commerce being at both the head and foot of these noble rivers, one alone removed would be partial and incomplete in its results.

In behalf of the convention:

EDWIN O. STANARD,
GERARD B. ALLEN,
JOSEPH BROWN,
JAMES F. GRIFFITH,
E. W. FOX,

Sub-Committee.

In behalf of the general committee:

CHAS. L. TUCKER, *Chairman.*

THE MISCELLANEOUS AND OTHER PAPERS

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PETITION
OF
CAPTAIN DANIEL ELLIS,

PRAYING

Compensation for services rendered in recruiting for the Union army in East Tennessee during the rebellion.

JANUARY 22, 1867.—Referred to the Committee on Military Affairs and the Militia.

MARCH 7, 1867.—Referred to the Committee on Military Affairs and the Militia.

MARCH 11, 1867.—Ordered to be printed.

To the United States Senate and House of Representatives in Congress assembled:

Your memorialist desires respectfully to submit to the consideration of your honorable body the following statement of facts bearing upon his connection with the military service of the United States during the late war:

The commencement of hostilities in 1861 unfortunately found the people of East Tennessee divided touching the grave issues then agitating the public mind, and destined soon to involve them, in common with the balance of the country, in a fierce and sanguinary civil war. In no portion of the entire south, perhaps, was the Union of the States, one and indivisible, more loyally and steadfastly supported and contended for; and the great wave of secession and madness, that swept with irresistible force over all the balance of our sunny land, dashed in vain against our true men in their free mountain homes. As the storm-clouds of war gathered more densely around them, they became more devoted and more defiant, until they became the especial subjects of oppression and tyranny on the part of the huge despotism that ruled the south with a sway of iron. In the mean time, with astonishing celerity and forethought, the rebels had succeeding in establishing their lines away beyond the mountains separating us from Kentucky and the loyal States of the north, and twenty regiments of their soldiers were put on duty in our midst, charged especially with the duty of suppressing our free speech and bending or breaking our defiant spirits.

Under this state of things, the prospects of the loyal portion of the community grew more gloomy and threatening, until the dangers that had hovered darkly around us culminated in the passage, by the rebel congress, of the odious act of conscription. Then the heart of many a stern loyalist, that may have wavered before, grew firm and decided, and his eye turned in a long and earnest gaze toward that land where the old flag waved above the heads of its noble defenders.

Previous to this time, however, your memorialist, prompted only by his love of freedom and hatred of oppression, had yielded to his sense of duty, and be.

gan the arduous and perilous business of conducting such of his fellow-citizens as desired to join their destinies with that of the army of the Union through the enemy's lines, and placing them in a position to do battle for their country. His first expedition of this character was undertaken and successfully accomplished in the latter part of the year 1861, and having, by this success, demonstrated the possibility of escape from the terrible bondage of rebel rule, and made himself familiar with the winding mountain paths and deep ravines and forests, untrodden before by the foot of man, his services as a guide, pilot, and scout grew into demand, and this demand on the part of suffering loyalists, who were being hunted down and forced into the cause of a wicked and hated rebellion, confirmed him in the adoption of a business that he knew to be full of peril, replete with suffering, and made up of bitter hardships and toil.

From the date of this first expedition, in the latter part of the year 1861, to the early part of the year 1865, this business was arduously prosecuted, and in that time he succeeded in making nineteen expeditions from his headquarters, in the mountains of his native county of Carter, to the federal lines, travelling nearly all the time on foot, not less than eight thousand miles, and taking with him, in the aggregate, about four thousand men, composed of southern loyalists, rebel deserters, and escaped prisoners.

It is impossible, in the brief statement designed to be embraced in this paper, to convey to the minds of your honorable body even a faint impression of the difficulties and dangers, hardships and sufferings, that attended each and every one of these expeditions. Between his starting point and the federal army, for the principal part of the time he was engaged in this work, lay deep rivers, broad valleys, lofty mountains, and vindictive enemies. Holston river, North fork, Clinch mountain, Copper creek, Clinch river, Powell's mountain, Walden's ridge, Powell's valley, Cumberland mountains, and Cumberland river, together with numerous and desperate bands of rebel scouts and guerillas, presented some of the obstacles always to be overcome, and some of the dangers always to be guarded against. Often the sullen roar of those rivers, swollen by recent rains or filled with floating ice, was enough to appal the stoutest heart; but they must be crossed. Often those mountains, towering towards the clouds, lay deeply covered in snow, and the fierce winds, careering madly along their rugged sides, beat pitilessly upon the half-clothed and hungry refugee; but they must be traversed. Freedom lay beyond. Always those beautiful valleys were swarming with desperate outlaws and fiendish guerillas, bent upon the ruin and death of the fleeing loyalists; but they must be passed. The Canaan of their hopes lay beyond.

After the successful occupation of East Tennessee by General Burnside and his brave army, in September, 1863, his lines became the nearest point of escape, both for loyal citizens and escaped prisoners from the rebel prison at Salisbury, North Carolina, large numbers of whom were cared for, clothed, fed, and led in safety through the most perilous part of their way, under the guidance and by the use of the private means of your memorialist. For more specific information on this point he begs leave respectfully to refer to the late work of Mr. Albert D. Richardson, entitled "The Field, Dungeon, and Escape;" and for a detailed statement of the dangers braved and sufferings endured by him during these years of service to his country, he also begs to refer to a truthful history of his own adventures, shortly to issue from the press of Harper Brothers, of New York, a copy of which he would gladly lay upon the desk of each member of your honorable body, if his pecuniary condition would allow of his doing so.

But your memorialist further shows that he did not confine himself exclusively to the business of piloting men through the lines. Almost constantly inside the enemy's lines and hovering around their camps, he was enabled to acquire a vast amount of information touching their contemplated movements and designs,

which he never failed to impart to the officers commanding the federal forces at the earliest practicable moment, and in this way, on several occasions, materially assisted in foiling the purposes of John Morgan and other bold rebel raiders. In support of these declarations he refers your honorable body to General Samuel P. Carter, under whose direction he performed much secret service for the government.

He also served as an express messenger between the brave soldiers of the Union army and their homes in the south, and in this capacity he was the bearer of thousands of letters from soldiers to their loved ones, covering remittances of money for their support and comfort, and keeping alive the hopes and spirits of our people when all around them was gloom and anxiety.

Immediately following the issuance of the emancipation proclamation by President Lincoln, your memorialist, thoroughly impressed with the tremendous influence that great document was destined to wield upon the fortunes of the south, left Knoxville, Tennessee, with thirty thousand copies thereof, which he distributed broadcast over the country for more than one hundred and fifty miles inside the enemy's lines. On his return to Knoxville he took with him a large number of deserters from the rebel army, who at once entered the service of the United States, and served faithfully unto the end. But the space he has assigned himself in this paper will not allow him to enter into details.

During all the time your memorialist was engaged in this business he held regular recruiting papers from various regiments. But by reason of the fact that he never attempted to control the wishes of the recruits taken through the lines by him in the selection of the regiment in which they desired to enroll themselves, they do not appear upon the rolls of the army as recruits furnished by him. Upon this point he refers to the accompanying papers of Colonel John K. Miller and others, the number of which can be largely increased, if desired. Of the four thousand men conducted by him through the lines, not less than *twenty-five hundred* actually enlisted in the military service, and as many of them as did not lay down their lives in defence of the country, served as faithful soldiers to the end of the war. A large number of those who did not really enlist in the army served the government in various departments, and thus contributed in achieving the grand result aimed at by them all.

For all these recruits enlisted by him and conducted through more than one hundred miles of hostile territory, and principally at his own expense, for he never withheld assistance where it was needed, he never received from the government of the United States, or any other source, any compensation whatever.

In the early part of the year 1865, after having made nineteen successful expeditions from his stronghold in the mountains of the county of Carter to the Union lines, with the results above enumerated, your memorialist, at the urgent and repeated solicitations of the men composing it, accepted the captaincy of company A, 13th Tennessee volunteer cavalry, which position he retained until his regiment was mustered out of the service after the suppression of the rebellion.

At the commencement of the war your memorialist was an humble farmer, engaged in the cultivation of a small farm in his native county, where, by patient toil, he furnished means of support for himself and family, consisting of a wife and seven children. He had never mingled in party strife, nor studied very deeply the political economy of the government, but when the fully matured plans of the disorganizers and destructionists of the south culminated in an open assault upon the very life of the republic, the impulses of his heart taught him that the country he loved and was proud of was endangered, and he asked to know no more, for those same impulses taught him that in the hour of her trial and peril his first and most sacred duty was to his country, and every energy of his mind and body was thenceforward devoted to her service.

But the bold designs of the bad men who purposed, by the commission of the

most stupendous crime recorded in the annals of time, to destroy the fairest structure of human government ever reared by mortal hands, have been foiled. Rebellion, the horrid offspring of treason and corruption, has been destroyed; red-handed carnage, that stalked through the land, laying low our proudest and best, has been stayed in its onward march; the war has ended; peace has come back to our desolated homes. The mission of your memorialist is accomplished, and he has returned to the cultivation of his little farm, and the care and attention of his long-neglected family. But his health is shattered, his energies are gone, his prospects in the future are not cheering. Wading deep rivers in mid-winter, climbing lofty mountains when the cold was so bitter that to sleep was to die, hunted by rebel guerillas with the same pertinacity that the sleuth hound follows the track of its victim, but always, by sleepless vigilance, eluding their grasp—all these things, and many more, have told heavily upon a constitution never the most robust, and bowed a form erect once, but never strong.

Under these circumstances, will the Congress of the United States, by a reasonable compensation to him for his services to the country in the darkest hour of her history, lift him above want and enable him to educate and provide for his children? To this end his appeal is made to your honorable body, reluctantly, but with confidence, for assistance, not to be extended as a gratuity from motives of benevolence, but as a just remuneration for the actual services herein detailed.

Asking at the hands of your honorable body a patient consideration of this appeal from an humble citizen, and praying always for the success of the republic, I have the honor to be, very respectfully, your obedient servant,

DAN. ELLIS.

MEMORIAL
OF
THE LEGISLATURE OF WISCONSIN,
IN FAVOR OF

A grant of land for a branch extension of the United States military road between Fort Howard, Wisconsin, and Fort Wilkins, Michigan, from the village of Shawano to the village of Wausau.

MARCH 21, 1867.—Referred to the Committee on Public Lands and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States :

The memorial of the legislature of the State of Wisconsin respectfully represents, that the interest and convenience of a large number of the inhabitants in the northwestern and northeastern portion of the State would be greatly enhanced by an extension or branch of the United States military road, passing through the county of Shawano, from the village of Shawano to the village of Wausau. Your memorialists would represent that said branch would open up to inland navigation a large portion of the State, which is at present deprived of such advantage ; further, that said road would open up to settlement a large extent of territory on which at present there are no settlers ; further, that it will aid very materially in the settlement and rapid growth of the country through which said road will pass.

Your memorialists, therefore, feeling the necessity of said road, would most respectfully ask for a grant of public land sufficient to build said road.

The governor of this State is hereby requested to transmit a copy of this memorial to each of the senators and representatives for this State.

ANGUS CAMERON,
Speaker of the Assembly.
WYMAN SPOONER,
President of the Senate.

Approved March 18, 1867.

LUCIUS FAIRCHILD,
Governor.

STATE OF WISCONSIN, *Secretary's Office, ss :*

The secretary of state of the State of Wisconsin hereby certifies that the foregoing has been compared with the original memorial on file in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State, at the capitol in Madison, this 18th day of March, A. D. 1867.

[SEAL.]

THOS. S. ALLEN,
Secretary of State.

MEMORIAL

THE LEGISLATURE OF WISCONSIN

That the undersigned, citizens of the State of Wisconsin, do hereby petition your honorable body, and request that you will cause the same to be referred to the proper authorities for their consideration.

To the Honorable the Senate and House of Representatives of the State of Wisconsin, respectfully representing the Legislature of the State of Wisconsin, in session assembled at the City of Madison, Wisconsin, we, the undersigned, do hereby petition your honorable body, and request that you will cause the same to be referred to the proper authorities for their consideration.

That the undersigned, citizens of the State of Wisconsin, do hereby petition your honorable body, and request that you will cause the same to be referred to the proper authorities for their consideration.

ANGUS CANNON
Speaker of the Assembly
WYMAN SPOONER
President of the Senate
LEGISLATIVE FAIRCHILD
Governor

THE SECRETARY OF THE STATE OF WISCONSIN
The Secretary of the State of Wisconsin has the honor to acknowledge the receipt of the memorial of the undersigned, and to certify that the same has been forwarded to the proper authorities for their consideration.

THOS. S. ALLEN
Secretary of State

MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,

IN FAVOR OF

The establishment of a mail route from Waverly to Glencoe in said State.

MARCH 19, 1867.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The legislature of the State of Minnesota would most respectfully represent that the people residing along and near the hereinafter proposed mail route are greatly in need of mail facilities.

Your memorialists would, therefore, respectfully ask that you establish, by law, a post route, as follows: From Waverly, Wright county, Minnesota, *via* Lake Mary, Winstead, and Bergen, to Glencoe, in McLeod county.

JOHN Q. FARMER,

Speaker of the House of Representatives.

THOMAS H. ARMSTRONG,

President of the Senate.

Approved March 1, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this 9th day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS, *Secretary of State.*

MEMORIAL

THE DELEGATION OF MINNESOTA

TO THE

LEGISLATURE OF THE UNITED STATES

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE OF THE UNITED STATES
ON THE 12TH DAY OF MARCH 1857

THE DELEGATION OF MINNESOTA, consisting of the following gentlemen, do hereby certify that the same have been duly organized and have taken the oath of office and qualification, and have proceeded to the discharge of their duties, and have the honor to submit to the Senate of the United States the following report of their proceedings, and of the action of the Legislature of the Territory of Minnesota, in relation to the proposed admission of the Territory of Minnesota into the Union as a State.

JOHN C. CALHOUN,
Governor of the Territory of Minnesota,
THOMAS H. HARRIS,
Lieutenant Governor of the Territory of Minnesota.

Wm. A. WATERMAN, Secretary.

It is the duty of the Legislature of the Territory of Minnesota, to submit to the Senate of the United States, a report of its proceedings, and of the action of the Legislature, in relation to the proposed admission of the Territory of Minnesota into the Union as a State.

H. C. ROBERTS, Secretary of the Territory of Minnesota.

MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,
IN FAVOR OF

The establishment of a mail route from Rochester to Leroy, in said State.

* MARCH 19, 1867.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States
in Congress assembled :*

The legislature of the State of Minnesota would most respectfully represent, that the establishment of a tri-weekly mail service from Rochester, by the way of Pleasant Grove, Hamilton, Spring Valley, to Leroy, would very much facilitate the transmission of the mail along said route, and thereby greatly benefit the inhabitants living near the same.

Your memorialists would therefore respectfully request that you provide for such mail service.

JOHN Q. FARMER,
Speaker of the House of Representatives.
THOMAS H. ARMSTRONG,
President of the Senate.

Approved March 1, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State :*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this 9th day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,
Secretary of State.

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MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,
IN FAVOR OF

The establishment of a mail route from Glencoe to Greenleaf, in said State.

MARCH 19, 1867.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States
in Congress assembled:*

The legislature of the State of Minnesota would most respectfully represent, that the people residing along and near the hereinafter proposed mail route are greatly in need of mail facilities.

Your memorialists would, therefore, respectfully ask that you establish by law a post route as follows: From Glencoe, McLeod county, Minnesota, via Penn, Collins, and Preston Lake, to Greenleaf, Meeker county.

JOHN Q. FARMER,
Speaker of the House of Representatives.
THOMAS H. ARMSTRONG,
President of the Senate.

Approved March 1, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this ninth day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,
Secretary of State.

THE UNIVERSITY OF CHICAGO
LIBRARY

1890

THE UNIVERSITY OF CHICAGO

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MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,
IN FAVOR OF

The establishment of a mail route from Minneapolis to Big Stone Lake, in said State.

MARCH 19, 1867.—Referred to the Committee on the Post Office and Post Roads and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The legislature of the State of Minnesota would respectfully represent, that the people settled along said route, from Greenleaf to Big Stone Lake, are without mail facilities of any kind, and on the whole route from Minneapolis to Big Stone Lake mail facilities are of the most meagre kind, and your memorialists would respectfully pray your honorable body to cause to be opened a mail route from Minneapolis to Big Stone Lake, at as early a day as practicable, there being, in the opinion of your memorialists, great need of such a route and service.

JOHN Q. FARMER,
Speaker of the House of Representatives.
THOMAS H. ARMSTRONG,
President of the Senate.

Approved March 1, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office. Witness my hand, and the great seal of State, this ninth day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,
Secretary of State.

MEMORIAL

THE LEGISLATURE OF MINNESOTA

TO THE SENATE OF THE STATE OF MINNESOTA
IN SENATE
JANUARY 1887

RESOLVED, That the Senate do pass the following resolution:
Resolved, That the Senate do pass the following resolution:

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Resolved, That the Senate do pass the following resolution:

JOHN C. FARRAR
THOMAS H. ARNOLD
WY. E. MARSHALL

JOHN C. FARRAR
THOMAS H. ARNOLD
WY. E. MARSHALL

MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,

IN FAVOR OF

Daily mail service from Rushford, Brossburg, Highland, Lenora, and Burr Oak, to Decorah, Iowa.

MARCH 21, 1867.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The legislature of the State of Minnesota would respectfully memorialize your honorable body, that daily mail service be granted from Rushford, Brossburg, Highland, Lenora, and Burr Oak, to Decorah, Iowa.

JOHN Q. FARMER,

Speaker of the House of Representatives.

THOMAS H. ARMSTRONG,

President of the Senate.

Approved March 9, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this 13th day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,

Secretary of State.

MEMORIAL

THE LEGISLATURE OF MINNESOTA

IN SENATE

Presented to the Senate and House of Representatives of the State of Minnesota at their annual session, commencing on the 1st day of January, 1857.

By JOHN Q. JARVIS, of the County of Hennepin.

ALBANY: J. B. BARNES, 1857.

THE LEGISLATURE OF THE STATE OF MINNESOTA, at their annual session, commencing on the 1st day of January, 1857, have received and read the following memorial of JOHN Q. JARVIS, of the County of Hennepin, and thereupon resolved, That the same be referred to the Committee on Education, and that they report thereon at the next session.

Approved March 1, 1857.

JOHN Q. JARVIS, Petitioner.

Approved March 1, 1857.

JOHN Q. JARVIS, Petitioner.

Approved March 1, 1857.

JOHN Q. JARVIS, Petitioner.

Approved March 1, 1857.

MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,

IN FAVOR OF

The establishment of a mail route from Hutchinson to Redwood Falls, in said State.

MARCH 21, 1867.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

The legislature of the State of Minnesota respectfully represent, that the citizens of McLeod, Lincoln, Renville, and Redwood counties, in said State, would be greatly accommodated by the establishment of a weekly mail route from Hutchinson, in McLeod county, *via* Lynn, Collins, Lake Preston, Beaver Falls, to Redwood Falls, Redwood county, Minnesota.

The proposed route is in a southwesterly direction, and is about forty-five miles in length, through an improved and settled agricultural region, and over good roads. The country to be supplied is constantly increasing in population by immigration, and your memorialists believe that the establishment of the route will both encourage the settlement of the public lands, and be a source of revenue.

Wherefore your memorialists, the legislature of the State of Minnesota, most earnestly and respectfully ask that the mail route may be established as above specified, and mail service ordered thereon.

JOHN Q. FARMER,
Speaker of the House of Representatives.
THOMAS H. ARMSTRONG,
President of the Senate.

Approved March 9, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office. Witness my hand and the great seal of the State, this thirteenth day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,
Secretary of State.

MEMORIAL

OF

THE LINGUISTIC OF MINNESOTA

BY

THE LINGUISTIC OF MINNESOTA

ALBANY, N. Y. 1875

To the Honorable the Senate and House of Representatives of the State of New York:

THE LINGUISTIC OF MINNESOTA

ALBANY, N. Y. 1875

W. H. HARRIS, JR.

W. H. HARRIS, JR.

THE LINGUISTIC OF MINNESOTA

ALBANY, N. Y. 1875

MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,
IN FAVOR OF

An appropriation for the improvement of the State road from St. Cloud, Minnesota, to Fort Abercrombie, Dakota Territory.

MARCH 21, 1867.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The legislature of the State of Minnesota would respectfully represent: That the improvement of the State road from St. Cloud to Fort Abercrombie, Dakota Territory, is required by the wants of the constantly increasing population of the country in the vicinity of said road; that over said road all the mails and supplies for Fort Abercrombie, Fort Wadsworth, and Pembina are now transported, that during the coming summer said road will be used as a link of the great mail route from Minnesota to Montana Territory, and for the transporting of supplies to such new forts as may be established on said route; that during the spring and fall said road is almost impassable through the Big Woods, in the vicinity of Alexandria, in Douglas county, causing great delay of the mails, and increasing the cost of transportation to said forts, notwithstanding this portion of the road for some fifty miles has, at considerable expense to the mail contractors, been corduroyed and made passable during the summer months.

Your memorialists would, therefore, respectfully ask for an appropriation of ten thousand dollars for improvements on said road, between the points above mentioned; and your memorialists will ever pray.

THOMAS H. ARMSTRONG,
President of the Senate.

JOHN Q. FARMER,
Speaker of the House of Representatives.

Approved March 9, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this thirteenth day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS, *Secretary of State.*

THE JOURNAL OF ALBERTA

Published by the University of Alberta Press, Edmonton, Alberta, Canada

Volume 1, Number 1, 1967

The Journal of Alberta is a quarterly publication of the University of Alberta Press. It is devoted to the publication of original research and critical essays in the fields of Canadian literature, history, and social sciences. The Journal is edited by the Department of English and the Department of History. It is published by the University of Alberta Press, Edmonton, Alberta, Canada.

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MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,
IN FAVOR OF

A grant of land to aid in the construction of a wagon road from the western line of the State of Minnesota to Helena, in the Territory of Montana.

MARCH 21, 1867.—Referred to the Committee on Public Lands and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the legislature of the State of Minnesota respectfully represents, that in order to fully develop and open out to settlement the beautiful country between the western boundary of the State and Montana, and to aid in opening a northern emigrant route to the rich gold fields of the Upper Missouri, there should be a good wagon road constructed the entire distance. And believing it is the earnest desire of Congress to aid in these desirable objects, your memorialists respectfully ask your honorable body to donate so much of the public lands in Dakota and Montana Territories as may be deemed necessary to construct said road. And your memorialists will ever pray.

JOHN Q. FARMER,

Speaker of the House of Representatives.

THOMAS H. ARMSTRONG,

President of the Senate.

Approved March 7, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of Secretary of State :*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this 13th day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,

Secretary of State.

MEMORIAL

THE LEGISLATURE OF MINNESOTA

IN SENATE

A memorial of the State of Minnesota, in relation to the Territory of Dakota.

Presented to the Senate on March 1st, 1877.

Read by the Senate and House of Representatives of the State of Minnesota, in joint session, on March 1st, 1877.

The memorial of the Legislature of the State of Minnesota, respectfully requests that in order to fully develop and open out to settlement the beautiful country between the western boundary of the State and Montana, and to aid in opening a northern emigrant route to the rich fields of the Upper Mississippi, there should be a good wagon road constructed the entire distance. And believing it is the earnest desire of Congress to aid in these desirable objects, your memorialists respectfully ask your honorable body to honor so much of the public lands in Dakota and Montana Territory as may be desired, necessary to construct said road. And your memorialists will ever remain,

JOHN Q. KAMMER,

Speaker of the House of Representatives.

THOMAS H. ARMSTRONG,

President of the Senate.

Approved March 1, 1877.

WM. R. MARSHALL, Governor.

State of Minnesota, Office of Secretary of State.

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this 15th day of March, 1877.

ALIX 1877

[Seal]

H. C. ROGERS,

Secretary of State.

RESOLUTION
OF
THE LEGISLATURE OF MINNESOTA,
IN FAVOR OF

The passage of a law exempting from duty all live stock coming into the State from the Red River settlements.

MARCH 21, 1867.—Referred to the Committee on Commerce and ordered to be printed.

Whereas there have, for the last three years, been transported from Saint Cloud to Fort Garry and vicinity 750 tons of freight annually, and with an increase of settlements and population such as may be confidently looked for the next ten years, there must be a vast increase in the amount to be transported; and whereas this transportation is done in the main part by teams from the Red River country—oxen and ponies drawing single carts, because it is found that they can better withstand the myriads of insects, flies, gnats, and mosquitoes along the Red River valley, while oxen and horses reared in the older settlements in the eastern and southern portions of the State cannot endure them. These oxen and ponies are also accustomed to hunt and find their own living in the grazing season and through much of the winter season; and whereas for each pony and ox used in drawing these carts their owners must pay at the office of collector of customs one-half dollar in coin, and must give bonds for the safe return beyond the lines of said stock and carts. The giving of these bonds is the cause of great delay and annoyance, and in many instances the freighters are poor men and are unable to give bonds, which is a hardship; and whereas the United States have advertised for proposals "For the transportation of 1,750 tons of freight on route No. 4," in their advertisement of January 15, 1867, and the letting took place February 28, 1867. This transportation alone will require 2,000 yoke of cattle. It will at once be seen that this will create a demand which cannot be supplied from local sources for working oxen and ponies from the Red River settlements; and whereas it is represented, from most reliable sources, that the emigration this season from Red River settlements, in the British Columbia, to the Red River and Cheyenne valleys and the Otter Tail country, as well as the mining regions west, will be very large. Much of this emigration will be much impeded and impoverished by the duty on live stock. Instead of this obstacle to such emigration, the policy of the government should be to encourage it, especially on this frontier, which has had so much discouragement in the way of its advancement. It will be remembered that in case of importation of live stock the *per capita* of fifty cents is added to the impost of twenty per cent. ad valorem, which, on a pair of oxen worth say one hundred dollars, makes the whole charge twenty-one dollars in coin. This is onerous to the people and destructive to their interest: Therefore,

Resolved by the legislature of the State of Minnesota, That our senators and

representatives in Congress are requested to use their efforts to procure the passage of a law exempting from duty all live stock coming into the State from the Red River settlements, and that the same may be admitted free of duty.

THOMAS H. ARMSTRONG,

President of the Senate.

JOHN Q. FARMER,

Speaker of the House of Representatives.

Approved March 9, 1867.

WILLIAM R. MARSHALL,

Governor.

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the above to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this 13th day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,

Secretary of State.

MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,
IN FAVOR OF

A grant of lands to aid in the construction of the Sioux City and St. Paul railroad of the State of Iowa, the Minnesota Valley railroad of Minnesota, and the Lake Superior and Mississippi railroad of Minnesota.

MARCH 23, 1837.—Referred to the Committee on Public Lands and ordered to be printed.

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the legislature of the State of Minnesota, respectfully represent that the line of railroad of the Sioux City and Saint Paul Railroad Company of the State of Iowa, of the Minnesota Valley Railroad Company of the State of Minnesota, and of the Lake Superior and Mississippi Railroad Company of the State of Minnesota, will form a direct and continuous line of railroad communication in connection with the branch to Sioux City, between the Union Pacific railroad and the head of Lake Superior, and the shortest line which can be selected in order to connect the last-mentioned road with the great lakes.

That it would be sound policy in the general government, and greatly to the public interest, to adopt this proposed connecting line of railroad and telegraphs as a segment of the great national highway above referred to, and that the same is entitled to the like encouragement and aid from the United States as other portions or branches of the main road.

The proposed line of connection traverses a rich and fertile country in the heart of the northwestern States and bordering the immense western territory of the government, to which it will draw a current of immigration, opening and developing this vast public domain, and building up new States. It passes through States founded by pioneers, and settled by a population which has suffered all the horrors of Indian massacres and outrage by reason of their exposed situation and want of speedy communication with the military posts or other means of succor, and which has made as large sacrifices in the defence of the Union as any other. And your memorialists claim that the interests of this large section of country should be consulted and considered with equal favor as other sections in connection with this national enterprise.

As a measure of national defence, this proposed connection becomes necessary to complete the main road as a military line of communication, and in case of a war with neighboring powers, the importance of the terminus at the head of the lakes is apparent. This latter point in such case would no doubt be embraced for ship-yards, foundries, and depots of supplies, most of the necessary materials, as iron, copper, pine timber, &c., being found at this point or in its vicinity; also, grain, fodder, and most of the needed supplies for an army, being within convenient reach.

The line of road thus completed would more effectually open to the eastern States, and also to the mineral regions and non-productive country through which the main road in part passes, the granaries of the northwestern States, which are increasing enormously their annual product of cereals, thus opening to the west new markets for these products, and thereby encouraging immigration and settlement of the public domain, and vastly increasing the business upon the entire line of road. That it is very important to the interest of this great national work, as well as for the general public interests, that this proposed connecting line of road should be completed as early as practicable, so as to keep up with the rapid progress of the work on the main line, and to accomplish this object successfully the government aid in question is needed.

Wherefore, your memorialists respectfully request that the act of Congress approved July first, A. D. eighteen hundred and sixty-two, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the government the use of the same for postal, military, and other purposes," may be amended so that the said Sioux City and Saint Paul Railroad Company, the said Minnesota Valley Railroad Company, and the said Lake Superior and Mississippi Railroad Company, may be authorized to construct a railroad and telegraph line from the head of Lake Superior to Sioux City, in the State of Iowa, upon the same terms and conditions in all respects as are provided in the said act of Congress, so as to afford continuous railroad communication, in connection with the branch road to Sioux City, between the Union Pacific railroad and the head of Lake Superior: *Provided*, That the Sioux City and Saint Paul Railroad Company shall construct that portion of said road extending from said Sioux City to the northern boundary line of the State of Iowa; the Minnesota Valley Railroad Company shall construct that portion of said road extending from the northern boundary line of the State of Iowa to the city of Saint Paul, in the State of Minnesota, and the Lake Superior and Mississippi Railroad Company shall construct that portion of said road extending from the city of Saint Paul to the head of Lake Superior: *And provided further*, That the lands already granted to the said railroad companies shall be disposed of upon the terms and conditions, and subject to the restrictions, authorized in the acts of Congress making the said grants.

THOMAS H. ARMSTRONG,

President of the Senate.

JOHN Q. FARMER,

Speaker of the House of Representatives.

Approved March 9, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this eleventh day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS, *Secretary of State.*

MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,

IN FAVOR OF

The establishment of a mail route from New Auburn to New Ulm, in said State.

MARCH 22, 1867.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislature of the State of Minnesota, would respectfully represent that the district through which the above-mentioned route would run, is well populated and is rapidly increasing in wealth and population. That the establishment of said route would not only be of great convenience to the citizens in that part of the State, but would be of pecuniary benefit to the government. Therefore, your memorialists would respectfully ask for the immediate establishment of said mail route, and that weekly mail service be ordered thereon.

JOHN Q. FARMER,

Speaker of the House of Representatives.

THOMAS H. ARMSTRONG,

President of the Senate.

Approved March 7, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this eleventh day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,

Secretary of State.

THE UNIVERSITY OF CHICAGO
CHICAGO, ILL.
JAN 10 1901

MEMORANDUM
TO THE PRESIDENT
FROM THE SECRETARY
SUBJECT: [illegible]

[illegible text]

[illegible text]

MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,

IN FAVOR OF

A tri-weekly mail line from Carver to Glencoe in said State.

MARCH 22, 1867.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The legislature of the State of Minnesota would most respectfully represent that the people residing along and near the hereinafter mail route are greatly in need of increase of service. Your memorialists would therefore respectfully ask that you will establish tri-weekly mail service from Carver, *via* Benton, Young America, and Plato, to Glencoe, McLeod county, Minnesota. And your memorialists, as in duty bound, will ever pray.

JOHN Q. FARMER,
Speaker of the House of Representatives.
THOMAS H. ARMSTRONG,
President of the Senate.

Approved March eighth, one thousand eight hundred and sixty-seven.
WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this eleventh day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,
Secretary of State.

THE CRIMINALS OF THE WORLD

By J. Edgar Hoover, Director of the Federal Bureau of Investigation

Published by the United States Department of Justice

Washington, D. C., 1927

The Department of Justice has the honor to acknowledge the receipt of the manuscript of this book from the author, J. Edgar Hoover, Director of the Federal Bureau of Investigation, and to express its appreciation for the valuable information and interesting facts which it contains.

The book is a valuable contribution to the study of the criminal mind and the criminal act. It is a book which should be read by every citizen who is interested in the problem of crime and the prevention of crime.

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MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,

IN FAVOR OF

A grant of lands to aid in the construction of the Owatonna and State Line railway.

MARCH 22, 1867.—Referred to the Committee on Public Lands and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States
in Congress assembled:*

Your memorialists, the legislature of the State of Minnesota, respectfully represent, that the commercial and industrial interests of the State of Minnesota and Iowa demand a more direct and cheaper communication between the lumbering regions of northern Minnesota and the coal fields of northwestern Iowa than can be afforded by any line of railway heretofore projected or completed; that the construction of the Owatonna and State Line railway through Geneva and Albert Lea to the southern boundary of Minnesota, to connect with a railroad already projected northward from the coal fields of northwestern Iowa, will afford the shortest and cheapest communication yet provided for the purposes herein mentioned.

Wherefore, your memorialists pray that a grant of lands may be made to aid in the construction of said railway.

THOMAS H. ARMSTRONG,
President of the Senate.

JOHN Q. FARMER,
Speaker of the House of Representatives.

Approved March 9, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this ——— day of March,
A. D. 1867.

[SEAL.]

H. C. ROGERS, *Secretary of State.*

THE JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE
OF GREAT BRITAIN AND IRELAND
VOLUME 11
PART 1
1881

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MEMORIAL
OF
THE LEGISLATURE OF MINNESOTA,

IN FAVOR OF

The improvement of the Mississippi river, commencing near the mouth of the Minnesota river, to the Falls of St. Anthony.

MARCH 22, 1867.—Referred to the Committee on Commerce and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislature of the State of Minnesota, respectfully represent, that the navigation of the Mississippi river, commencing near the mouth of the Minnesota river, to the Falls of St. Anthony, a distance of about eight miles, by the Mississippi river, is so obstructed during the season of low water, by rocks and other impediments, being the most of the above-mentioned distance rapids, as to render it difficult and dangerous for navigation, and, in fact, the river may be considered unnavigable to said falls in its present condition, excepting in a stage of very high water; but that by the appropriation and proper outlay of a reasonable sum of money, the amount recommended in the report of Major General G. K. Warren, (two hundred and thirty thousand dollars,) for the improvement of the navigation of the said Mississippi river, at said point, would be sufficient to construct a dam and make slackwater navigation to the aforesaid falls during the entire season of navigation.

Your memorialists further represent, that the cities of Minneapolis and St. Anthony, the former situated on the right bank and the latter on the left bank of the aforesaid Mississippi river, at the Falls of St. Anthony, contain, at the present time, a population of about fourteen thousand inhabitants, and every department of industry is in a prosperous condition. The commerce of the Mississippi river is continually passing at the confluence of the Mississippi and Minnesota rivers, within sight of these two beautiful cities, but cannot be diverted and taken to the Falls of St. Anthony, for the want of a small appropriation by Congress, to construct the proper dam and lockage to make slackwater navigation to the aforesaid cities.

In a commercial point, the Mississippi river is to the States situated on that river what the Atlantic ocean is to the Atlantic States, or the commerce of the lakes to those States bordering on the lakes. It is a fact sustained by history, since the organization of our national government, that millions of dollars have been appropriated annually for the improvement of the navigation of the Atlantic coast, as well as, at a more recent date, large appropriations made annually by Congress for the improvement of the navigation of the lakes.

The States situated on the Mississippi river have contributed their share and paid their proportional part into the treasury of the United States for the improvement of the navigation of the Atlantic coast, as well as that of the lakes.

To your memorialists it seems to be a matter of even-handed justice that some small appropriation (to say the least) should be made for the improvement of the navigation of the Mississippi river, inasmuch as it will result as advantageous and profitable to the States on the Mississippi river as the same amount of money expended on the Atlantic coast to any Atlantic State.

For Congress to refuse or neglect to make so small an appropriation for the improvement of the navigation of the aforesaid river, it seems to your memorialists to be a wrong, a hardship, an act of national injustice, to take the money paid by the people of Minnesota into the treasury of the United States, and appropriate it for the improvement of the Atlantic coast, and refuse to make an appropriation which is so indispensable to the future thrift and prosperity of our young and growing State. And your memorialists will ever pray.

THOMAS H. ARMSTRONG,

President of the Senate.

JOHN Q. FARMER,

Speaker of the House of Representatives.

Approved March 9, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this 11th day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS, *Secretary of State.*

RESOLUTIONS
OF
THE LEGISLATURE OF MINNESOTA,
IN FAVOR OF

A grant of land to aid in the construction of a railroad from the head of Lake Superior to the Pacific ocean; and also the construction of a railroad from the falls of St. Anthony to a point of junction with the Northern Pacific railroad, on the Red River of the North.

MARCH 22, 1867.—Referred to the Committee on the Pacific Railroad and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Whereas the construction of a railroad from the head of Lake Superior to the Pacific ocean, over the northern route, is an enterprise of the first importance, not only to the State of Minnesota, but to the whole country, the great lakes, with their water communications, affording navigation half way across the continent; and whereas, also, the construction of a railroad from the falls of St. Anthony to a point of junction with the Northern Pacific railroad, on the Red River of the North, would give an all rail connection from Milwaukee, Chicago, and the eastern cities, over the most direct and favorable route to the Pacific: Therefore, be it

Resolved by the legislature of the State of Minnesota, That our senators in Congress be instructed, and our representatives requested, to use their best endeavors to secure to this enterprise, including the above-mentioned branch from the falls of St. Anthony to a point of junction on the Red River of the North, the same aid in lands and bonds which has been extended to the Union Pacific railroad, near the fortieth parallel.

Resolved, That the secretary of state be requested to forward a certified copy of these resolutions to each of our senators and representatives.

THOMAS H. ARMSTRONG,
President of the Senate.

JOHN Q. FARMER,
Speaker of the House of Representatives.

Approved March ninth, one thousand eight hundred and sixty-seven.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this eleventh day of March, A. D. 1867.

[SEAL]

H. C. ROGERS, *Secretary of State*

RESOLUTIONS

THE LEGISLATURE OF MINNESOTA

Resolved, That the Secretary of State be and he is authorized to cause to be printed and bound in a single volume the following Resolutions, to wit:—

To the Senate the Senate and House of Representatives of the State of Minnesota, in Session assembled: Whereas the construction of a railroad from the head of Lake Superior to the Pacific Ocean over the northern route is an enterprise of the first importance not only to the State of Minnesota but to the whole country; the great lakes with their water communication, affording navigation and way across the continent; and whereas the construction of a railroad from the head of Lake Superior to a point of junction with the Northern Pacific railroad, on the Red River of the North, would give an all the transportation from Minnesota, Dakota, and the eastern cities, over the most direct and favorable route to the Pacific; Therefore, be it Resolved by the Legislature of the State of Minnesota, That our Senators in Congress be instructed, and our representatives requested, to use their best endeavors to secure to this enterprise, including the above-mentioned branch from the head of Lake Superior to a point of junction on the Red River of the North, the same aid in lands and bonds which has been extended to the Union Pacific railroad, near the fortieth parallel.

Resolved, That the Secretary of State be requested to forward a certified copy of these resolutions to each of our Senators and representatives.

THOMAS H. ARNETT, CLERK

President of the Senate
JOHN G. FARMER, Speaker of the House of Representatives

Approved March 18th 1857, at the second regular session of the Legislature.
WM. H. MARSHALL, Governor

Witness my hand and the great seal of the State this 18th day of March, 1857.
H. C. ROBERTS, Secretary of State

IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1867.—Ordered to be printed.

Mr. WILSON submitted the following

RESOLUTION.

A CONCURRENT RESOLUTION respecting Jefferson Davis.

Whereas Jefferson Davis, a citizen of the State of Mississippi, was captured by a military force in the service of the United States on the 11th day of May 1865, and has since been held in confinement as “a prisoner of war” and “a prisoner of State,” in Fortress Monroe, Virginia; and whereas the said Jefferson Davis stands charged, on the highest authority, with the heinous crime of conspiracy to murder the late President of the United States, Abraham Lincoln, and is also indicted for treason; and whereas the said Jefferson Davis has persistently declared his innocence of the offences charged against him, and, through his legal advisers, by all means known to the law, has sought and demanded a speedy and public trial by due process of law before a civil tribunal of competent jurisdiction: Therefore,

Resolved by the Senate, (the House of Representatives concurring,) That the longer confinement of the said Jefferson Davis without a trial, or the assignment of a specific time for a trial, is not in accordance with the demands of justice, the spirit of the laws, and the requirements of the Constitution, and that common justice, sound public policy, and the national honor unite in recommending that the said Jefferson Davis be brought to a speedy and public trial, or that he be released from confinement on bail, or on his own recognizance.

IN THE SENATE OF THE UNITED STATES

March 17, 1861—Ordered to be printed.

Mr. Wilson submitted the following

RESOLUTION

A CONCURRENT RESOLUTION respecting Jefferson Davis

Whereas Jefferson Davis, a citizen of the State of Mississippi, was captured by a military force in the service of the United States on the 11th day of May, 1861, and has since been held in confinement as a prisoner of war, and a prisoner of State, in the State of Virginia; and whereas the said Jefferson Davis stands charged, on the highest authority, with the crime of treason against the United States; and whereas the late President of the United States, Abraham Lincoln, is also indicted for treason; and whereas the said Jefferson Davis has been only declared the innocent of the crime charged against him, and although his legal advisers, by all means known to the law, have sought and obtained a speedy and public trial by due process of law before a civil tribunal of competent jurisdiction: Therefore,

Resolved by the Senate (the House of Representatives concurring), That the longer confinement of the said Jefferson Davis without a trial or the assignment of a specific time for a trial is not in accordance with the demands of justice, the spirit of the laws, and the requirements of the Constitution, and that Congress should public policy, and the national honor calls in recommending that the said Jefferson Davis be brought to a speedy and public trial, or that he be released from confinement on bail, or on his own recognizance.

RESOLUTION
OF
THE HOUSE OF REPRESENTATIVES,
PROVIDING

For certain stated adjournments of the present session of Congress.

MARCH 25, 1867.—Read, referred to the Committee on the Judiciary and ordered to be printed.

IN THE HOUSE OF REPRESENTATIVES,
March 25, 1867.

*Resolved by the House of Representatives of the United States, (the Senate concurring,) That the Senate and House of Representatives do hereby each give consent to the other that each house of Congress shall adjourn the present session from the hour of twelve o'clock meridian on Thursday next, the 28th day of March instant, to reassemble again on the first Wednesday of May, the first Wednesday in June, the first Wednesday of September, and the first Wednesday of November of this year, unless the President of the Senate *pro tempore* and the Speaker of the House of Representatives shall, by joint proclamation, to be issued by them ten days before either of the times herein fixed for assembling, declare that there is no occasion for the meeting of Congress at such time.*

Attest:

EDWARD McPHERSON, *Clerk.*

RESOLUTION

THE HOUSE OF REPRESENTATIVES

Resolved, That the sum of \$100,000 be appropriated for the purchase of land for the establishment of a national observatory.

Approved by the House of Representatives, March 25, 1847.

In witness whereof, the Speaker of the House of Representatives, and the Clerk of the House of Representatives, have hereunto set their hands and seals, at Washington, this 25th day of March, 1847.

March 25, 1847.

That the sum of \$100,000 be appropriated for the purchase of land for the establishment of a national observatory.

EDWARD McPHERSON, CLERK.

MEMORIAL
OF
THE LEGISLATURE OF WISCONSIN,

IN FAVOR OF

*Connecting the Mississippi river and Lake Michigan by navigable channels
through the Wisconsin, Fox, and Rock rivers.*

MARCH 23, 1867.—Referred to the Committee on Commerce and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States
in Congress assembled :*

The memorial of the legislature of Wisconsin respectfully represents, that the project of connecting the Mississippi river and Lake Michigan, by navigable channels through the Wisconsin, Fox, and Rock rivers, appears to the legislature (your memorialist) to be one of vast importance to Wisconsin, to the northwest, and to the entire country. An oppressive sense of this importance is the only apology the legislature can offer for memorializing Congress in relation thereto, at each of its annual sessions for five successive years.

Permit your memorialist to respectfully suggest a few of the reasons which, to the legislature, appear conclusive why the immediate execution of this project by Congress not only is of vast importance, but is a necessity.

Upon its execution may depend the safety of our northern frontier. No frontier is more assailable or more in need of protection from possible foes. Great Britain occupies the northern portion of the continent, with a territory co-terminous with our own, stretching from the Atlantic to the Pacific. She has constructed a series of short canals around the rapids of the St. Lawrence, with locks 45 feet wide, 200 feet long, and 8 feet deep, and has connected Lakes Erie and Ontario by the Welland canal, with locks 26 feet wide, 150 feet long, and 11 feet deep, and capable of ready enlargement. She has also constructed the Rideau canal, professedly as a military work, by an interior route between Montreal and Kingston, with locks 33 feet wide and 142 feet long, and although the channel is only $5\frac{1}{2}$ feet deep, yet it is capable of passing a dangerous vessel when buoyed up by lighters. She has a formidable fortress and depot of military and naval stores at Kingston, on Lake Ontario, another at Malden, at the mouth of the Detroit river, and a third at Penetanguishene, on Georgian bay, besides forts more or less impregnable at Toronto, Niagara, Port Stanley, Windsor, and Port Sarnia. Most of these points are intersected by railways, by which a large force can be rapidly concentrated. To oppose these formidable preparations we have a few dismantled forts, which a half-hour's cannonading, with improved ordnance, would batter down, and which from their weakness would invite rather than deter attack. No lines of water communication by which a war vessel larger than a canal-boat can be thrown into the lakes; no naval or military depots; nothing but a single steamer of 100 tons burden,

mounting a single 18-pounder, for aggressive or defensive purposes, nor can the number, under the treaty stipulations of 1817, be increased beyond one more on the upper lakes, one on Lake Ontario, and one on Lake Champlain. It may be a startling fact, but is nevertheless true, that a single battery planted on the Virginian side of the Ohio river, below Pittsburg, and a single gunboat anchored near the south shore of Lake Erie, have the power to sever the great arteries of communication between the east and the west. The dreadful import of this fact becomes apparent when it is remembered that the annual wheat crop of the State of New York is hardly enough to feed her population for one-third of a year, while the annual wheat crop of the New England States is only enough to feed their population three weeks.

The committee on canals of the senate of New York, and the Committee on Naval Affairs of the Senate of the United States, having this project before them, have unanimously reported in its favor; the former by its report made on or about the 10th of April, 1862, and the latter by its report made on or about the 3d of March, 1863. As a commercial measure, the execution of this project is no less a necessity. The products of the northwest for exportation have increased beyond example. The capacity of the present channels of commerce is insufficient to move them, while the cost of transportation is so great that in some localities corn is used for fuel, and in most is converted into pork and beef before it can be forwarded. The product of grain, for example, has increased: that of Wisconsin from 36,000,000 bushels in 1860, to nearly 50,000,000 bushels in 1865; that of Illinois from 155,000,000 bushels in 1860, to 230,000,000 bushels in 1865; that of Iowa, Minnesota, and other western States in proportion quite or nearly as great, and yet only a mere fraction of the soil (estimated at one-eighth) is under cultivation. The increase for years to come cannot be less than in the years last past, and with it the cost of transportation will be increased, and the incapacity of the present channels of commerce become more apparent and more ruinous.

By the execution of this project vast sums now paid to middle-men will be saved to the consumer and producer, freights will be classified, giving to railways the exclusive control over certain classes of freight, and in quantity more than they can move. Railway capital cannot be imperilled, but if so, better the corporations than that the public should suffer. By its execution, the entire country is benefited—not less the east than the west—not more by the returns of commerce than by developing avenues of intercourse into bonds of unity. The project which tends to unite by friendly bonds the remote parts of a country, can be no less national in character than that which guards against outward foes.

Your memorialist respectfully suggests that this work should be undertaken by the general government. It cannot be successfully accomplished by the States separately, and cannot be undertaken by them even, as in most these are constitutional prohibitions against the incurring of State debt. As a national and military measure, its accomplishment is devolved not upon the States, but upon the general government. The navigable waters which it is proposed to improve and develop, and the carrying places between the same, are common highways, declared to be such by the ordinance of 1787, and are of the class of navigable waters over which the general government has invariably retained control, and to improve which it has long been its policy to make appropriations.

Your memorialist respectfully suggests that this work should be undertaken at this time, because the public debt is great. Its accomplishment will increase the wealth of the country, out of which the debt is to be paid, and will enlarge the incomes of the consumer and the producer, by whom it is to be paid. At any cost, its early accomplishment is dictated by true economy. It will not cost a sum equal to the saving of overland carriage on the movement seaward

of a single grain crop. For these reasons, your memorialist invites your attention to this subject, and trusts it will receive early and due consideration.

Be it therefore resolved by the senate, (the assembly concurring,) That the governor be, and he is hereby, authorized and requested to affix his official signature hereto, and to forward a copy of this memorial to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, and to each of our senators and representatives in the Congress of the United States.

ANGUS CAMERON,

Speaker of the Assembly.

GEO. F. WHEELER.

President of the Senate pro tem.

Approved February 27, 1867.

LUCIUS FAIRCHILD, *Governor.*

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RESOLUTIONS
OF
THE LEGISLATURE OF MICHIGAN,

IN FAVOR OF

An appropriation for fortifying the island of Mackinac, in the Straits of Michilimackinac and the Sault Ste. Marie, at the Falls of Ste. Marie, and to establish a gunboat station in connection therewith.

MARCH 25, 1867.—Referred to the Committee on Military Affairs and the Militia and ordered to be printed.

Whereas we deem it of the utmost importance that ample measures be taken to provide adequate protection to the vast commerce of our inland seas, and to insure the more perfect safety of the great and growing cities of the west; and whereas the first military men of the nation have given their unqualified approval of the importance of the island of Mackinac, in the Straits of Michilimackinac and the Sault Ste. Marie, at the Falls of Ste. Marie, as the military key to the whole northwestern frontier, at present defenceless and unarmed against invasion from a foreign foe; and whereas the Sault Ste. Marie canal is a work of great importance, not only to the people of Michigan, but to the people of the United States, who depend on this outlet for the vast products of the mines of Lake Superior to the markets of the world: Therefore,

Resolved by the senate and house of representatives of the State of Michigan, That our senators and representatives in Congress be requested to urgently present the importance of this subject to the attention of Congress, and at an early day to secure the necessary appropriation to construct suitable fortifications at the above points, and to establish a gunboat station in connection therewith.

Resolved, That his excellency the governor be requested to transmit copies of the foregoing preamble and resolution to each of our senators and representatives in Congress, and to the governors of the States of Illinois, Wisconsin, and Minnesota, with a request to call the attention of their respective legislatures to this subject, and to secure their co-operation.

HENRY H. CRAPO.

RESOLUTIONS
OF
THE LEGISLATURE OF MICHIGAN,
IN FAVOR

Of a grant of land to aid in the construction of a railroad from Menominee to Houghton, in said State.

MARCH 25, 1867.—Laid on the table and ordered to be printed.

Whereas there is a rich and extensive iron district of country between Menominee, in Menominee county, and the village of Houghton, in Houghton county; and whereas the most feasible and natural outlet of said iron district is by the valley of the Menominee river, which passes through said iron district: Therefore,

Resolved by the senate and house of representatives of the State of Michigan, That our senators and representatives in Congress be, and they are hereby requested to use their influence to procure a grant of land from Congress to aid in the construction of a railroad from Menominee, in Menominee county, to the village of Houghton, in Houghton county, Michigan.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives in Congress.

Approved March 15, 1867.

HENRY H. CRAPO.

RESOLUTIONS
OF
THE LEGISLATURE OF MICHIGAN,
IN FAVOR OF

A pension of eight dollars per month to the survivors of soldiers in the war of 1812, and the widows of those who are dead, from April 1, 1865.

MARCH 25, 1867.—Referred to the Committee on Military Affairs and the Militia and ordered to be printed.

Whereas a bill is now pending before the Congress of the United States providing for the payment of a pension of eight dollars per month to the surviving soldiers of the war of 1812, and the widows of those who are dead, from April 1, 1865; and whereas such a provision for the survivors of said war would seem to be not only highly just and proper, but in entire consonance with the action of the general government in providing pensions for the survivors of the war of the Revolution: Therefore,

Resolved by the senate and house of representatives of the State of Michigan, That our senators and representatives be requested to use their influence to procure the passage of a bill providing for such pension to the survivors of the war of 1812, and to the widows of those who are dead, from April 1, 1865.

Resolved, That the governor be requested to transmit copies of the foregoing preamble and resolution to our senators and representatives in Congress.

HENRY H. CRAPO.

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RESOLUTIONS
OF
THE LEGISLATURE OF MICHIGAN,
IN FAVOR OF

A judicious and protective tariff on importations of copper, iron, lumber, salt, dressed flax and wool, and articles manufactured therefrom.

MARCH 25, 1867.—Ordered to lie on the table and be printed.

Whereas the material prosperity of this State depends largely upon its production of the great staples, copper, iron, lumber, salt, flax, and wool; and whereas the successful production of those articles is materially hindered by their importation in the raw and manufactured condition, to the prejudice of the interests of this State and the country at large, and to the advantage and prosperity of foreign manufacturers and producers; and whereas we believe that protection of the products and manufactures of this State and nation would tend to increase our independence and wealth, and raise our producing and laboring classes still higher above the condition of dependence and semi-serfdom of like classes in foreign countries: Therefore,

Resolved by the senate and house of representatives of the State of Michigan, That we do most earnestly request our senators and representatives in Congress to use all honorable means to obtain the passage of a judicious and effective protective tariff on importations of copper, iron, lumber, salt, dressed flax and wool, and articles manufactured therefrom.

Resolved, That the governor be requested to transmit copies of the foregoing preamble and resolution to our senators and representatives in Congress.

HENRY H. CRAPO.

RESOLUTIONS
OF
THE LEGISLATURE OF MICHIGAN,
IN FAVOR OF

An appropriation to improve the harbor at the mouth of South Black river in that State.

MARCH 25, 1867.—Laid on the table and ordered to be printed.

Whereas the southeasterly shore of Lake Michigan is in great need of safe harbors of refuge ; and whereas important local interests also require a safe harbor at the mouth of South Black river, in Van Buren county, Michigan ; and whereas the people of South Haven and adjacent towns have already taxed themselves heavily, and thereby made valuable improvements upon the aforesaid harbor : Therefore,

Resolved by the senate and house of representatives of the State of Michigan, That our senators and members of the House of Representatives be requested to use their best endeavors to obtain from Congress an appropriation in money to aid in the construction of such harbor at the mouth of South Black river aforesaid.

Resolved, That the governor be requested to transmit copies of the foregoing preamble and resolution to our senators and representatives in Congress.

HENRY H. CRAPO

RESOLUTIONS OF THE LEGISLATURE OF MICHIGAN

For appropriation to improve the harbor at the mouth of South Black river in
that State.

March 25, 1877. — Read on the table and referred to the committee on
the subject.

Whereas the commercially important harbor of Lake Michigan is in great need of
improvement; and whereas the harbor at the mouth of South Black river is
one of the most important harbors in the State; and whereas the people of South
Black river and adjacent towns have already expended heavily, and thereby made
valuable improvements upon the harbor and harbor facilities;

Resolved by the Senate and House of Representatives of the State of Michigan,
That our senators and members of the House of Representatives be requested to
also their best endeavors to obtain from Congress an appropriation of money to
aid in the construction of such harbor at the mouth of South Black river as
may be deemed necessary.

Resolved That the governor be requested to transmit copies of the foregoing
resolution and resolution to our senators and representatives in Congress.

HENRY M. GRAY

RESOLUTIONS
OF
THE LEGISLATURE OF MICHIGAN,
IN FAVOR OF

The speedy construction of the Northern Pacific railroad and telegraph line.

MARCH 25, 1867.—Referred to the Committee on the Pacific Railroad and ordered to be printed.

Whereas the speedy and early construction of the Northern Pacific railroad being of very great national importance, as a means to promote both internal and international intercourse, to induce immigration, the settlement of the public domain, and the general growth of the country, as well as to meet the great national wants in a military respect: Therefore,

Resolved by the senate and house of representatives of the State of Michigan, That our senators and representatives in Congress be and they hereby are requested to use all suitable and necessary efforts to insure the passage of the bill now before that body, or in its possession, entitled "A bill to secure the speedy construction of the Northern Pacific railroad and telegraph line, and to secure to the government the use of the same for postal, military, and other purposes;" or, in lieu thereof, to frame, and, if practicable, secure the passage of, such other bill as shall be most eligible for accomplishing this great national work.

Resolved, That the governor be requested to transmit copies of the foregoing preamble and resolution to our senators and representatives in Congress, without any unnecessary delay.

HENRY H. CRAPO.

MEMORIAL

RESOLUTIONS

OF

THE LEGISLATURE OF MICHIGAN,

IN FAVOR OF

An appropriation for the construction of a harbor at the mouth of the Ontonagon river.

MARCH 25, 1867.—Ordered to lie on the table and be printed.

Whereas there is no safe harbor between Copper Harbor and L'Pointe, on Lake Superior, a distance of one hundred and eighty miles, except the harbor at the mouth of the Ontonagon river, where our steamers and sailing vessels can enter and lie in safety ; and whereas the Ontonagon river empties into Lake Superior about half way between said points, and has a sufficient depth of water, but has been and is liable to be obstructed by a bar forming across its entrance, and thereby greatly increasing the dangers of navigation on Lake Superior, and obstructing the commerce thereof:

Resolved by the senate and house of representatives of the State of Michigan, That our senators and members of the House of Representatives be requested to use their best endeavors to obtain from Congress an appropriation in money, to aid in constructing a harbor at the mouth of the Ontonagon river.

Resolved, That the governor be requested to transmit copies of the foregoing preamble and resolution to our senators and representatives in Congress.

HENRY H. CRAPO.

RESOLUTIONS THE LEGISLATURE OF MICHIGAN

IN SENATE

the Legislature of the State of Michigan, at its annual session, 1870.

MARCH 21, 1870. - Ordered to lie on the table and be printed.

Resolved, That in no safe harbor between Copper Harbor and Lake Superior, a distance of one hundred and eighty miles, except the harbor at the mouth of the Ontonagon river, where, our steamers and sailing vessels can come and lie in safety; and whereas the Ontonagon river empties into Lake Superior about half way between said points, and has a sufficient depth of water to be used as a harbor, and is liable to be obstructed by a bar forming across its entrance, and thereby greatly increasing the dangers of navigation on Lake Superior, and obstructing the commerce thereof;

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and members of the House of Representatives be requested to use their best endeavors to obtain from Congress an appropriation of money, to aid in constructing a harbor at the mouth of the Ontonagon river.

Resolved, That the Governor be requested to transmit copies of the foregoing resolutions to our senators and representatives in Congress.

HENRY H. CRAPO.

MEMORIAL
OF THE
LEGISLATURE OF MINNESOTA,
IN FAVOR OF
*A grant of land to aid in the construction of the Lake Pepin and Omaha
railway.*

MARCH 28, 1867.—Referred to the Committee on Public Lands and ordered to be printed.

Your memorialists, the senate and house of representatives of the State of Minnesota, by their memorial respectfully represent :

That the commercial and industrial interests of the State of Minnesota demand a more direct and cheaper communication with the Missouri river, the Pacific railroad, and the coal fields of Iowa, than has yet been afforded by any line of railway.

That the construction of the Lake Pepin and Omaha railway, by opening up to an extensive region peculiarly in need of it, the great lumber region of northwestern Wisconsin, and at the same time furnishing the same region with the inexhaustible coal of northwestern Iowa, and also furnishing an outlet for the prolific wheat region through which the road would run, one of the best in the northwest, would add immensely to the growth and development of not only our own, but also adjoining States.

That this road will connect at Wabashaw with the Green Bay and Lake Pepin railway, at Rochester with the Winona and Saint Peter railway, at Austin with the Minnesota Central and the McGregor western railways, and at Omaha with the Pacific railway, thus making it one of the most important routes across the northwestern States.

Wherefore, your memorialists pray that a grant of lands may be made to aid in the construction of said railway.

The governor of the State of Minnesota is requested to forward to each of our senators and representatives in Congress a copy of this memorial.

JOHN Q. FARMER,

Speaker of the House of Representatives.

THOMAS H. ARMSTRONG,

President of the Senate.

Approved March 7, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State.*

I certify the foregoing to be a true and correct copy of the original on file in this office. Witness my hand and the great seal of the State, this 18th day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS, *Secretary of State.*

MEMORIAL OF THE LEGISLATURE OF MINNESOTA

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
JANUARY 1887

REPORT OF THE COMMISSIONER OF THE LAND OFFICE
JANUARY 1887

THE COMMISSIONER OF THE LAND OFFICE
JANUARY 1887

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JANUARY 1887

THE COMMISSIONER OF THE LAND OFFICE
JANUARY 1887

STATE OF MINNESOTA, Office of the Secretary of State.
I certify the foregoing to be a true and correct copy of the original on file in
this office. Witness my hand and the great seal of the State, this 18th day of
March, A. D. 1887.
[Seal]
H. C. ROBERTS, Secretary of State.

RESOLUTIONS
OF
THE LEGISLATURE OF MICHIGAN,
IN FAVOR OF

A grant of land to aid in the construction of a railroad from a point at or near Negaunee, in the iron region, on the Marquette and Ontonagon railroad, to the straits of Mackinaw.

MARCH 29, 1867.—Referred to the Committee on Public Lands and ordered to be printed.

Whereas, from the development of the immense deposits of copper and iron in the upper peninsula of Michigan, bordering on Lake Superior, the copper and iron mining interests of that part of the State have become of great and growing importance to the public and the State at large; and whereas there is no direct communication by land from those mining regions to the lower peninsula of the State, or to its capital, or to its commercial metropolis; and in the winter season, when navigation is interrupted, communication therewith can only be had by a long and circuitous route through three other States, and around the headwaters of Lake Michigan; and whereas grants of land have been made for the construction of railroads in the lower peninsula to the straits of Mackinaw, whereby the interior thereof and the capital and the commercial metropolis of the State will have communication by land with said straits; and whereas, by means of the Marquette and Ontonagon railroad, for which a grant of public lands has been made, and which is being constructed, and a section thereof now in operation, the copper region in the western will be connected with the iron region in the eastern portion of said upper peninsula, and it is of high importance to the public interests, and particularly those of the mining regions aforesaid, that they should be connected by railroad with the straits of Mackinaw and the railroads aforesaid to be constructed thereto: Therefore,

Resolved by the senate and house of representatives of the State of Michigan, That our senators and representatives in the Congress of the United States be requested to use their influence and all appropriate and proper efforts to procure a grant of lands to this State of at least sixteen sections to the mile, to aid in the construction of a railroad from a point at or near Negaunee, in the iron region aforesaid, on the Marquette and Ontonagon railroad, in the county of Marquette, by the way of Munising, opposite Grand Island harbor, on Lake Superior, to the straits of Mackinaw.

Resolved, That his excellency the governor be requested to transmit copies of the foregoing preamble and resolution to our senators and representatives in Congress.

Approved March 20, 1867.

HENRY H. CRAPO.

RESOLUTIONS
OF
THE LEGISLATURE OF ARKANSAS,

DECLARING

The existing government of that State to be republican in form, in conformity with the Constitution and constitutional laws and treaties of the United States, and is the true and proper government of that State, and of right ought to be recognized as a member of the federal Union, and entitled to representation in the Senate and House of Representatives with all the rights and privileges of other States.

MARCH 29, 1867.—Referred to the Committee on the Judiciary and ordered to be printed.

Whereas the present government of the State of Arkansas was duly and properly organized under the proclamation of President Lincoln, of December 8, 1863, and has been peaceably acquiesced in by all the people, and has remained, and is now in full force and operation over all parts of the State, in all its departments, whereby life, liberty, and property are fully and amply protected in the persons of all its inhabitants; and whereas the present government of the State has accepted the amendment to the Constitution of the United States, providing for the abolition of slavery, and has conformed its laws thereto in all respects; and whereas the same is in conformity with the Constitution, laws, and treaties of the United States, and has heretofore been recognized in various ways by the different departments of the general government; and whereas the great majority of the people of this State are satisfied therewith, and desire no change, and the constitution of the State provides for the mode of its own amendment, and no law has been passed calling a convention for its alteration; and whereas unauthorized assemblies of any portion of the people, for the purpose of changing the same, will inevitably lead to discord and confusion, to the manifest disturbance of the public peace and prosperity; therefore, to the end that the true position of the State of Arkansas may be well defined and understood, and her people warned against any course of action which may be subversive of the present condition of internal harmony, good order, and security:

Be it resolved by the general assembly of the State of Arkansas, That the existing government of the State is hereby declared to be republican in form, in conformity with the Constitution and constitutional laws and treaties of the United States, and as such is the true and proper government of the State, and of right ought to be recognized as a member of the federal Union, and entitled to its due representation in the Senate and House of Representatives of the United States, with all the rights and privileges of other States.

Be it further resolved, That the present government of the State cannot be properly changed, save in the manner pointed out in its own constitution, or by a convention called under authority of law.

Be it further resolved, That all unauthorized efforts of portions of the citizens, voluntarily assembled for the purpose of changing the constitution and form of government, tend to anarchy, civil strife, and the subversion of all law and order; and it is the duty of all good citizens to discourage and by all legitimate means oppose such efforts.

Be it further resolved, That, in opposition to such attempts, the State of Arkansas relies upon the constitutional duty of the government of the United States in all its departments—legislative, judicial, and executive—to guarantee unto the State a republican form of government and protection against domestic violence.

Be it further resolved, That our United States senators be instructed, and our representatives in Congress be requested, to lay these resolutions before the President and Congress of the United States, and that a copy be sent to each of the governors of the several States of the Union, with the request that the same be presented to their several legislatures.

Be it further resolved, That each copy of these resolutions to be laid before Congress and the President, or to be transmitted to the several States, be signed by the speaker of the house of representatives and the president of the senate.

BRADLEY BUNCH,

Speaker of the House of Representatives.

ANDREW HUNTER,

President pro tem. of the Senate.

LITTLE ROCK, ARKANSAS, *March 16, 1867.*

We, Andrew Hunter, president *pro tem.* of the senate, and Bradley Bunch, speaker of the house of representatives, of the general assembly of the State of Arkansas, hereby certify that the above and foregoing printed joint resolutions is a true copy of the original, passed at the present session of the general assembly of said State.

In testimony whereof, we have hereunto subscribed our names, the day and year above mentioned.

BRADLEY BUNCH,

Speaker of the House of Representatives.

ANDREW HUNTER,

President pro tem. of the Senate.

RESOLUTION
OF
THE LEGISLATURE OF MINNESOTA,
IN FAVOR OF

The return of the fees paid by settlers on certain homestead entries cancelled by the Commissioner of the General Land Office, since the first of January, 1863.

MARCH 29, 1867.—Referred to the Committee on Public Lands and ordered to be printed.

Whereas since the first day of January, 1863, certain homestead entries have been cancelled by the Commissioner of the General Land Office, for the reason that the tract or tracts of land or lands embraced in said entries have been declared to be "appropriated lands," and not subject to entry; and whereas the Commissioner of the General Land Office has decided that there is no provision in law which will authorize the refunding of fees paid in making such entries: Therefore be it

Resolved by the legislature of the State of Minnesota, That our senators and representatives in Congress be, and they are hereby, requested to secure such action on the part of Congress as will authorize the return of fees paid by such settlers.

JOHN Q. FARMER,
Speaker of the House of Representatives.
THOMAS H. ARMSTRONG,
President of the Senate.

Approved February 27, 1867.

WM. R. MARSHALL, *Governor.*

STATE OF MINNESOTA, *Office of the Secretary of State:*

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this 18th day of March, A. D. 1867.

[SEAL.]

H. C. ROGERS,
Secretary of State.

IN THE SENATE OF THE UNITED STATES.

JULY 3, 1867.—Ordered to lie on the table and be printed.

Mr. SUMNER submitted the following

RESOLUTION.

Resolved, That the reconstruction of the rebel States would be hastened and the best interests of the country promoted if the President of the United States, in the exercise of the pardoning power, would require that every landed proprietor who has been engaged in the rebellion, before receiving his pardon therefor, should convey to the freedmen—his former slaves—a certain portion of the land on which they have worked, so that they may have a homestead in which their own labor has mingled, and that the disloyal master may not continue to appropriate to himself the fruits of their toil.

THE HISTORY OF THE UNITED STATES

OF THE

UNITED STATES OF AMERICA

FROM 1776 TO 1870

BY

W. B. E. R.

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UNITED STATES OF AMERICA

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IN THE SENATE OF THE UNITED STATES,

JULY 12, 1867.—Ordered to be printed.

Mr. FOWLER submitted the following

RESOLUTION.

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to report a bill for the proper enforcement of the first clause of section four, article four, of the Constitution, viz :

“The United States shall guarantee to every State in the Union a republican form of government.”

And that said bill, among other things, shall require all changes made in the organic law of any State to be ratified by the people of the State and by the Congress of the United States, and shall prohibit any new form of government or constitution hereafter made from going into operation until the same is duly authorized by a law of the United States.

IN THE SENATE OF THE UNITED STATES

REPORT

OF THE

COMMISSIONERS

OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
MAY 10, 1870
RELATIVE TO THE
LANDS BELONGING TO THE
UNITED STATES
AND THE
LANDS BELONGING TO THE
SEVERAL STATES
AND TERRITORIES
OF THE UNITED STATES
AND THE
LANDS BELONGING TO THE
UNITED STATES
AND THE
LANDS BELONGING TO THE
UNITED STATES

MEMORIAL
OF
CITIZENS OF ALABAMA,

EXPRESSIVE OF

*Their thanks to the government of the United States for supplies forwarded
to the suffering of that State.*

JULY 18, 1867.—Laid on the table and ordered to be printed.

VALHERMOSO SPRINGS, MORGAN COUNTY,
North Alabama, July 13, 1867.

To the honorable the Senate of the United States:

GENTLEMEN: In behalf of the suffering poor of North Alabama, accept our heartfelt thanks for the timely supplies forwarded through your worthy agent, General O. O. Howard, to this needy and suffering class. Be assured that the recipients of your favor duly appreciate your act of humanity, and the lives you have thus saved will be used to bless and honor you. We are aware that the consciousness of having performed an act of benevolence is more to you than any pleasure you can derive from outside expressions, but, nevertheless, we cannot forbear this token of our appreciation for the lasting benefit you have conferred upon our famished country.

We are happy to state that the prospects for a crop are so flattering that we hope we shall this year raise an abundance of everything, and that we will be able to dispense with your further bounty.

We are, very respectfully, your obedient servants,

J. J. GIERS.
G. M. TABER.
JAS. R. JOHNSON.
J. Y. CANTWELL.
J. M. HINDS.

JACOB HENRY, *Postmaster.*
W. H. WILLIAMS.
FRANK FORTMAN.
GEO. E. SPENCER.
J. J. HINDS.

All of Decatur, Alabama.

W. H. SMITH, *Randolph county, Ala.*
BEN. JOLLEY, *Huntsville.*
DAVID J. LEWIS, *Huntsville.*
A. S. WILKINSON, *Huntsville.*

W. B. FIGURES,
Editor Advocate, Huntsville.
JOHN G. HEAP, *Huntsville.*

MEMORIAL

CITIZENS OF ALABAMA.

PRESENTED TO

THE SENATE OF THE UNITED STATES IN THE CITY OF WASHINGTON.

JULY 18, 1867.

WILLIAM SPRINGER, MORGAN COUNTY.
JULY 18, 1867.

To the Honorable the Senate of the United States:
Gentlemen: In behalf of the suffering poor of North Alabama, we present our humble thanks for the timely supplies furnished through your worthy agent, General O. O. Howard, to this needy and suffering class. We assure that the recipients of your favor duly appreciate your act of humanity, and the lives you have thus saved will be used to bless and honor you. We are aware that the consciousness of having performed an act of benevolence is more to you than any pleasure you can derive from outside expressions, but nevertheless we can not forbear this token of our appreciation for the lasting benefit you have conferred upon our distressed country.
We are happy to state that the prospects for a crop are so flattering that we hope we shall this year raise an abundance of everything, and that we will be able to dispense with your further bounty.
We are very respectfully, your obedient servants.

JACOB HENRY, Foreman,
W. M. WILLIAMS,
FRANK FORTMAN,
GEO. B. SPENCER,
J. J. HINDS,
All of Precinct 11th.

J. A. GIER,
G. M. TUBER,
JAS. R. JOHNSON,
J. T. TANTWILL,
J. M. HINDS.

W. R. FUGURES,
Editor Advocate, Hartselle,
JOHN G. HEAR, Hartselle.

W. H. SMITH, Hartselle, secy. Ala. A. S. WILKINSON, Hartselle,
BEN. JOLLEY, Hartselle,
DAVID J. LEWIS, Hartselle.

IN THE SENATE OF THE UNITED STATES.

JULY 20, 1867.—Ordered to be printed.

Mr. SUMNER submitted the following

RESOLUTIONS

Declaring the privilege of debate in the Senate with regard to civil officers liable to impeachment.

Whereas it has been asserted that the conduct of a civil officer liable to impeachment cannot be freely considered and condemned by senators in the course of legislative proceedings; and whereas such an opinion is calculated to impair the just privileges of debate, therefore,

Resolved, That the Constitution, in providing for the impeachment of "all civil officers" of the national government, embracing the President, members of the cabinet, diplomatic representatives, and other civil functionaries, did not intend to limit debate in the Senate on the conduct of any such civil officer, so far as the same may arise in legislative proceedings; that any other interpretation is inconsistent with the privileges of the Senate and tends directly to shield misconduct in civil office.

Resolved, That the Constitution expressly declares that "when sitting to try an impeachment the Senate shall be on oath or affirmation," thus superadding a judicial oath to that already taken as senator; that, from the taking of this oath, the judicial character of the Senate begins, and until then each senator is free to express himself openly on the conduct of any civil officer, and thereupon to invite the judgment of the Senate and the country; that at times this may be a duty, and it is always a sacred right which cannot be renounced or abridged.

RESOLUTION OF THE HOUSE OF REPRESENTATIVES.

CONCURRENT RESOLUTION

DIRECTING

The re-enrolment of a certain joint resolution which passed Congress, but was not presented to the President before the adjournment of Congress in March last.

JULY 8, 1867.—Received from the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES, *July 8, 1867.*

Resolved by the House of Representatives, (the Senate concurring,) That the Clerk of the House of Representatives be instructed and directed, and is hereby instructed and directed, to re-enroll House resolution number six of this the fortieth Congress, that the same may be again signed by the presiding officers of the Senate and House, and be again presented to the President for his approval.

Attest :

EDWARD McPHERSON, *Clerk.*

RESOLUTION OF THE HOUSE OF REPRESENTATIVES.

CONCURRENT RESOLUTION

FOR THE

Appointment of a joint committee to inquire into the manner of the execution of the act of March 30, 1867, "authorizing the appointment of certain watchmen," and report whether further legislation is necessary to secure the efficiency of the Capitol police force.

JULY 5, 1867.—Received from the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES, *July 5, 1867.*

Resolved by the House of Representatives, (the Senate concurring,) That a joint select committee be appointed, consisting of two on the part of the Senate and three on the part of the House of Representatives, whose duty it shall be to inquire into the manner in which the act approved March 30, 1867, entitled "An act to authorize the appointment of certain watchmen, and for other purposes," has been executed, and report whether any further and what legislation is necessary or proper to secure the efficiency of the Capitol police force.

Attest:

EDWARD McPHERSON, *Clerk.*

RESOLUTION OF THE HOUSE OF REPRESENTATIVES

CONCURRENT RESOLUTION

AND

REPORT OF A COMMITTEE OF THE HOUSE OF REPRESENTATIVES
ON THE REPORT OF THE SECRETARY OF THE INTERIOR
RELATIVE TO THE LANDS BELONGING TO THE UNITED STATES
IN THE TERRITORY OF ARIZONA

IN SENATE

IN THE HOUSE OF REPRESENTATIVES
JANUARY 1867
REPORT OF THE HOUSE OF REPRESENTATIVES
ON THE REPORT OF THE SECRETARY OF THE INTERIOR
RELATIVE TO THE LANDS BELONGING TO THE UNITED STATES
IN THE TERRITORY OF ARIZONA
AND
ON THE REPORT OF THE SECRETARY OF THE INTERIOR
RELATIVE TO THE LANDS BELONGING TO THE UNITED STATES
IN THE TERRITORY OF ARIZONA

JOSEPH W. FLETCHER, CLERK.

RESOLUTION OF THE HOUSE OF REPRESENTATIVES.

CONCURRENT RESOLUTION

IN RELATION TO

The adoption of the phonetic system of spelling into general use in schools and general literature.

JULY 18, 1867.—Received from the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES, *July* 18, 1867.

Resolved by the House of Representatives, (the Senate concurring,) That the Commissioner of Education is instructed to report to Congress upon the feasibility and expediency of introducing the phonetic system of spelling into general use in the schools and its adoption in general literature, and in said report shall embody the main features of difference between the present system and the phonetic system. Said report shall embody such information as shall impart a general knowledge of the system.

Attest :

EDWARD McPHERSON, *Clerk.*

RESOLUTIONS

OF

THE LEGISLATURE OF MICHIGAN,

IN FAVOR OF

A grant of land to aid in the construction of a railroad from Negaunee to the straits of Mackinaw.

APRIL 4, 1867.—Ordered to lie on the table and be printed.

Whereas, from the development of the immense deposits of copper and iron in the upper peninsula of Michigan, bordering on Lake Superior, the copper and iron mining interests of that part of the State have become of great and growing importance to the public and the State at large; and whereas there is no direct communication by land from those mining regions to the lower peninsula of the State or to its capital, or to its commercial metropolis; and in the winter season, when navigation is interrupted, communication therewith can only be had by a long and circuitous route through three other States, and around the headwaters of Lake Michigan; and whereas grants of land have been made for the construction of railroads in the lower peninsula to the straits of Mackinaw, whereby the interior thereof and the capital and the commercial metropolis of the State will have communication by land with said straits; and whereas, by means of the Marquette and Ontonagon railroad, for which a grant of public lands has been made, and which is being constructed, and a section thereof now in operation, the copper region in the western will be connected with the iron region in the eastern portion of said upper peninsula, and it is of high importance to the public interests, and particularly those of the mining regions aforesaid, that they should be connected by railroad with the straits of Mackinaw and the railroads aforesaid to be constructed thereto: Therefore,

Resolved by the senate and house of representatives of the State of Michigan, That our senators and representatives in the Congress of the United States be requested to use their influence and all appropriate and proper efforts to procure a grant of lands to this State of at least sixteen sections to the mile, to aid in the construction of a railroad from a point at or near Negaunee, in the iron region aforesaid, on the Marquette and Ontonagon railroad, in the county of Marquette, by the way of Munising, opposite Grand Island harbor, on Lake Superior, to the straits of Mackinaw.

Resolved, That his excellency the governor be requested to transmit copies of the foregoing preamble and resolution to our senators and representatives in Congress.

Approved March 20, 1867.

HENRY H. CRAPO.

LETTER

OF THE

PRESIDENT OF THE WASHINGTON CITY SAVINGS BANK,

COMMUNICATING

The annual statement of said bank for the year ending April 1, 1867.

APRIL 10, 1867.—Ordered to lie on the table and be printed.

WASHINGTON, April 9, 1867.

SIR: I have the honor to enclose herewith a statement of the Washington City Savings Bank, in accordance with the provision of the charter, requiring a report to Congress annually.

Very respectfully, your most obedient servant,

JOHN R. ELVANS, *President.*

Hon. BENJAMIN F. WADE,

President United States Senate.

Annual statement of the Washington City Savings Bank for the year ending April 1, 1867.

RESOURCES.		LIABILITIES.	
Loans and discounts	\$9,222 64	Due depositors, numbering 81, including interest to date...	\$31,790 40
Due from Howes & Macy, New York	5,469 92	Certificates of deposits outstand- ing	295 00
Due from Union National Bank, Philadelphia	233 52		
Due from Thomas & Co., Balti- more	756 10		
Land warrants on hand	2,086 02		
United States 5-20 bonds	2,300 00		
United States 7-30 treasury notes	7,000 00		
Cash on hand	5,017 20		
	<u>32,085 40</u>		<u>32,085 40</u>
LOSS.		GAIN.	
Interest paid and entered up to credit of depositors during year	\$1,097 77	Profit	\$2,218 15
Expenses	1,120 38		
	<u>2,218 15</u>		<u>2,218 15</u>

WASHINGTON, D. C., *April 2, 1867.*

We, the undersigned, having been appointed a committee, at a meeting of the board, held February 22, 1867, to examine the books, &c., of the Washington City Savings Bank, have performed that duty, and find the above statement correct, according to our best knowledge and belief.

EDW. SIMMS.
JOHN. R. ELVANS.
THOMAS J. GARDNER.
J. H. STRAIN.
JOS. B. BRYAN.
J. A. RUFF, *Treasurer.*

DISTRICT OF COLUMBIA, *Washington County, ss :*

I, John F. Callan, a notary public in and for the District and county aforesaid, do hereby certify that John A. Ruff, treasurer, appeared before me on the 5th of April, 1867, and, in due form of law, made oath that the foregoing statement of the condition of the Washington City Savings Bank was correct and true to the best of his knowledge and belief; and at the same time appeared before me Edward Simms, John R. Elvans, Thomas J. Gardner, Jos. B. Bryan, and J. H. Strain, managers of said savings bank, who, in due form of law, declared that the above statement of the condition of the Washington City Savings Bank is, as stated above, correct and true to the best of their knowledge and belief.

Sworn before me.

[SEAL.]

JOHN F. CALLAN, *Notary Public.*

RESOLUTIONS
OF THE
LEGISLATURE OF MASSACHUSETTS,
RATIFYING

The amendment to the Constitution of the United States proposed to the several States by a joint resolution of the two houses of Congress passed on the 13th day of June, 1866, to be denominated Article XIV.

APRIL 12, 1867.—Ordered to lie on the table and be printed.

COMMONWEALTH OF MASSACHUSETTS,

IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

RESOLVE relative to an amendment of the Constitution of the United States.

Whereas the legislature has received official notification of the passage by both houses of the thirty-ninth Congress of the United States, at its first session, of the following proposition to amend the Constitution of the United States by a constitutional majority of two-thirds thereof in the words following, to wit :

JOINT RESOLUTION proposing an amendment of the Constitution of the United States.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as a part of the Constitution, namely :

ARTICLE XIV.

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way

abridged, except for participation in rebellion, or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of such citizens, twenty-one years of age, in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken the oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may by a vote of two-thirds of each house remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

Therefore, resolved, That the said proposed amendment to the Constitution be, and the same is hereby, ratified by the legislature and commonwealth of Massachusetts.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the governor to the President of the United States, to the presiding officer of the United States Senate, and the Speaker of the House of Representatives.

H. R., March 15, 1867.—Passed. Sent up for concurrence.

W. S. ROBINSON, *Clerk*.

In the Senate, March 20, 1867.—Passed in concurrence.

STEPHEN N. GIFFORD, *Clerk*.

COMMONWEALTH OF MASSACHUSETTS,

Secretary's Department.

I, Oliver Warner, Secretary of the commonwealth, hereby certify that the annexed is a true copy of the concurrent resolution of the legislature of this commonwealth, ratifying an amendment to the Constitution of the United States, passed March 20, 1867, and taken from the original on file in this department.

In testimony whereof, I have affixed the seal of the commonwealth the twenty-ninth day of March, A. D. 1867.

[SEAL.]

OLIVER WARNER,

Secretary of State.

IN THE SENATE OF THE UNITED STATES.

RESOLUTION

PROPOSING

The good offices of the United States between the contending parties of Mexico

APRIL 20, 1867.—Ordered to lie on the table and be printed.

Mr. SUMNER submitted the following resolution :

Whereas the republic of Mexico, though relieved from the presence of a foreign enemy by the final withdrawal of the French troops, continues to be convulsed by a bloody civil war, in which Mexicans are ranged on opposite sides ; and whereas the United States are bound by neighborhood and republican sympathies to do all in their power for the welfare of the Mexican people, and this obligation becomes more urgent from the present condition of affairs, where each party is embittered by protracted conflict: Therefore,

Be it resolved, That it is proper for the government of the United States, acting in the interest of humanity and civilization, to tender its good offices by way of mediation between the contending parties of the republic of Mexico, in order to arrest a deplorable civil war and to obtain the establishment of republican government on a foundation of peace and security.

The first of the year was a very dry one, and the crops were much injured by the drought.

The second of the year was a very wet one, and the crops were much injured by the rain.

The third of the year was a very dry one, and the crops were much injured by the drought.

The fourth of the year was a very wet one, and the crops were much injured by the rain.

The fifth of the year was a very dry one, and the crops were much injured by the drought.

The sixth of the year was a very wet one, and the crops were much injured by the rain.

The seventh of the year was a very dry one, and the crops were much injured by the drought.

The eighth of the year was a very wet one, and the crops were much injured by the rain.

The ninth of the year was a very dry one, and the crops were much injured by the drought.

The tenth of the year was a very wet one, and the crops were much injured by the rain.

The eleventh of the year was a very dry one, and the crops were much injured by the drought.

The twelfth of the year was a very wet one, and the crops were much injured by the rain.

The thirteenth of the year was a very dry one, and the crops were much injured by the drought.

The fourteenth of the year was a very wet one, and the crops were much injured by the rain.

The fifteenth of the year was a very dry one, and the crops were much injured by the drought.

IN THE SENATE OF THE UNITED STATES.

RESOLUTION

REQUESTING THE

PRESIDENT OF THE UNITED STATES

TO OFFER

To the contending parties in Mexico the friendly mediation of the United States

APRIL 20, 1867.—Ordered to lie on the table and be printed.

Mr. JOHNSON submitted the following resolution :

Whereas during the civil war in Mexico the government of the United States, acting in pursuance of its long and firmly established policy, has refused in any way to acknowledge the imperial government of which the Archduke Maximilian was the head, but, on the contrary, continued to recognize the republican government of that country as the only legitimate government, and by this conduct has done much to frustrate the attempt of Maximilian and his supporters to overthrow such government, it is the opinion of the Senate that the government of the United States should adopt every proper measure to avert the unnecessary further effusion of blood, and to restore, at the earliest moment, peace to that now distracted land : Therefore,

Resolved by the Senate of the United States, That the President be, and he is hereby, requested to offer to the contending parties the friendly mediation of the United States, so as to bring the civil war to a termination on terms honorable to both, and to secure to the native followers of Maximilian, and all foreign citizens and subjects residing in that country, the benefit of the laws of civilized warfare; it being understood, however, that such mediation is tendered with the understanding that Maximilian shall abdicate his assumed authority, and that he and his foreign troops shall leave the country at the earliest practicable day.

Resolved, That the Secretary communicate a copy of these resolutions to the President of the United States.

Amendment intended to be proposed by Mr. HENDERSON to the resolution submitted by Mr. Johnson, viz :

Strike out all after the words United States in the first resolution and insert: That in case Maximilian shall, at an early day, see fit to abdicate his authority in Mexico, and shall signify a desire to withdraw himself and his foreign troops from the country, to the end that civil war may be at once terminated, the Senate would be gratified that the President would tender the good offices of our government to secure at the hands of the republican government of Mexico, for the native followers of Maximilian, such kind and humane treatment as characterizes the conduct of civilized warfare.

Senate documents

Bd.: [244.] 1867 (1868) = Congress 40, Sess. 1

Washington, DC 1868

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